



REPORT
OF
THE DOCK WORKERS
(REGULATION OF EMPLOYMENT)
ENQUIRY COMMITTEE
(1955)

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PART I

FINDINGS AND RECOMMENDATIONS

(iii)

CHAPTER I

INTRODUCTORY

101. The employment of dock workers all over the world has problems peculiar to itself. This is due to the fact that the port traffic is subject to wide fluctuations which are not necessarily seasonal or otherwise cyclic, and occur daily depending, *inter alia*, upon the number of ships entering or leaving the Port on any day, the quantity of cargo to be loaded or unloaded, the nature of the cargo and the manner in which it is received or despatched, the type of mechanical equipment and facilities available both on board ship and on shore and the rate at which the cargo can be cleared from the shore or made available to feed the ship. The demands for dock labour vary correspondingly and the employment of workers tends to be casual. In the absence of any effective control or limitation on those who may offer for employment in the Docks on any day, the position is aggravated when agricultural workers also seek employment in the Docks during their slack season.

102. The earnings of dock workers in these circumstances would not only vary from worker to worker but also from week to week or month to month for the same worker; the domestic economy of the dock workers will thus be far from stable, if not positively precarious. This problem has engaged the attention of almost all the countries having a sea front and in some of them definite attempts have been made for more than fifty years with a view to regulating the employment of dock workers and a number of schemes suited to their local conditions have been put into operation at different times with varying success. The measures for decasualisation, which is the crux of all such schemes, aim, *inter alia*, at having a stabilising effect on the income of each dock worker.

103. In India, the Royal Commission on Labour in its Report, submitted to the Government of India in March 1931, recommended the decasualisation of the dock workers with a view to securing "as large a measure of regular employment as the nature of the calling will allow". According to this Report "the aim should be, first, to regulate the number of dock labourers in accordance with requirements and, secondly, to ensure that the distribution of employment depends, not on the caprice of the intermediaries, but on a system which, as far as possible, gives all efficient men an equal share".

104. Generally speaking, for loading and unloading of cargoes, the Port Authorities, especially in the Ports of Calcutta, Bombay and Madras, supply labour for shore work and Stevedores employed by the Shipping Companies supply labour on board the ship. The decasualisation of the shore workers was started in 1944 in Madras and in 1948 in Calcutta and Bombay. In the case of Stevedore workers, however, decasualisation was initiated in Bombay in 1949.

105. The first legislative action was taken by the Government on the recommendation of the Royal Commission on Labour in 1948 when the Dock Workers (Regulation of Employment) Act was passed by the Dominion Legislature as Act IX of 1948 and was put on the

Statute after it had received the assent of the Governor-General on the 4th March, 1948.

106. This Act has been broadly based on the U.K. Dock Workers (Regulation of Employment) Act of 1946 with certain important deviations. Both Acts provide for making 'Schemes' for ensuring regularity of employment in the Ports. The striking similarities and variations in the Acts are briefly indicated below:—

- (a) While the preamble of the Indian Act merely states: "Whereas it is expedient to provide for regulating the employment of Dock Workers", that of the U.K. Act is a little more comprehensive and is worded as: "Provision may be made by Scheme under this Act for greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work". The preamble of the U.K. Act has, however, been adopted as the objective of the Schemes framed under the Indian Act.
- (b) Both the U.K. and the Indian Acts give identical definitions for 'cargo', 'dock worker' and 'employer' as quoted below:—
 - (i) "Cargo" includes anything carried or to be carried in a ship or other vessel.
 - (ii) "Dock worker" means a person employed or to be employed in, or in the vicinity of, any Port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving Port.
 - (iii) "Employer" in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid.

The term 'vessel' has not been defined in either of the Acts.

- (c) The Indian Act provides for the constitution of an Advisory Committee and the appointment of Inspectors. A court can take cognisance of any offence made punishable under the Scheme only on a written report from an Inspector. There are no such provisions in the U.K. Act.
- (d) The U.K. Act merely provides for securing that the rates of remunerations and conditions of service, etc. etc., 'will be in accordance with any National or Local Agreement for the time being in force', whereas the Indian Act provides for the terms and conditions of such employment including rates of remuneration, hours of work, etc. etc., being regulated under the three Schemes made under the Act, and it specifically lays down that "workers will, subject to the conditions of the Scheme, receive a minimum pay".

107. While this Act was still in its Bill stage, a settlement was reached on the 22nd November 1947 between the 'Bombay Stevedores Association Ltd.', and the 'Bombay Dock Workers Union', as a result

of which the 'Bombay Stevedores Association' requested the Government of India to draw up a Scheme to deal with the question of registration of Stevedore workers, their employment and rotation, fixation of wages and other conditions of employment. Accordingly, the Government of India, Ministry of Labour, by Notification dated 26th February 1948 set up a Committee under the Chairmanship of Shri S. C. Joshi, the then Chief Labour Commissioner, for framing a Scheme for regulating employment of the dock labour at the Bombay Port in pursuance of the terms of settlement referred to above. The Joshi Committee submitted its final Report on the 10th July, 1948, and along with certain recommendations submitted a Scheme for the Port of Bombay. It further recommended: "It will be better to introduce simultaneously Schemes in all the major Ports in respect of the same class and category of work or workers". The Joshi Committee analysed the important provisions of the U.K. Dock Workers (Regulation of Employment) Scheme 1947, which had been drawn up under the authority of U.K. Dock Workers (Regulation of Employment) Act, 1946, and the proposed Scheme for the Port of Bombay was modelled, more or less, on the U.K. Scheme.

108. The Government of India after making certain amendments in the Scheme, proposed by the Joshi Committee, notified the Bombay Dock Workers (Regulation of Employment) Scheme on 27th January, 1951, under the authority of the Dock Workers (Regulation of Employment) Act, 1948, and the Bombay Dock Labour Board which was entrusted with the working of the Scheme, was constituted on the 9th April, 1951, and the Scheme was implemented for the Port of Bombay with effect from 1st February 1952. The Government of India drew up similar Schemes for the Ports of Calcutta and Madras. The Scheme for the Calcutta Port was notified on 5th October, 1951, the Calcutta Dock Labour Board was constituted on 2nd September, 1952, and the Scheme was implemented with effect from 5th October, 1953. The Madras Port Scheme was notified on 8th March, 1952, the Madras Dock Labour Board was constituted on the 14th July, 1953, and the Scheme was implemented with effect from the 16th August, 1954.

109. The Schemes in force at all the three Ports are almost identical in important details and, as indicated earlier in paragraph 106(a), their object has been stated as "to ensure greater regularity of employment for Dock Workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work". The Schemes are to regulate the employment of Stevedore Workers only and apply to the classes of workers specified in the Schedule attached to the respective Scheme.

110. Some of the important features of the Scheme may be mentioned below:—

- (a) For the administration of the Scheme there is a tripartite Dock Labour Board at each Port consisting of an equal number of Members representing:—
 - (i) The Central Government;
 - (ii) The Dock Workers; and
 - (iii) The Employers of Dock Workers and Shipping Companies.

The Board is to assess the requirement of dock workers for the efficient running of the Port and to register workers for this purpose. The Board has also to maintain a Register of Employers. The Chairman of the Board is nominated by the Central Government from amongst the Members and since the inception of the Schemes the Chairman of the Port Authority has always been the Chairman of the respective Dock Labour Board at each of these Ports. The Vice-Chairman is elected by the Members from amongst themselves.

- (b) Under the Dock Labour Board, there is an Administrative Body at Bombay and Madras and an Administrative Officer at Calcutta to carry on the day-to-day administration of the Scheme subject to the supervision and control of the Dock Labour Board. The main functions of the Administrative Body or the Administrative Officer are to supply workers to Stevedores in compliance with their indents and to make payment to workers due under the Scheme.
- (c) There is also a Special Officer who has to discharge all functions relating to disciplinary action against registered employers and daily workers and deal with complaints arising out of the day-to-day working of the Scheme. At Bombay and Calcutta Ports, Inspectors have also been appointed under the Special Officer and the Administrative Officer respectively.
- (d) The workers are divided into two categories, 'Monthly' and 'Reserve Pool'. The Monthly workers are under the direct control of Employers, while the Reserve Pool workers—also called 'daily workers'—are under the direct control of the Dock Labour Board. The workers in the Reserve Pool are to be employed in strict rotation so that all of them get an equal share of employment.
- (e) The Scheme provides for the payment of 'Guaranteed Minimum Wages', 'Attendance Wages' and 'Disappointment Money'. A worker in the reserve pool register is paid a guaranteed minimum wage equal to 12 days' wages in a month and is assured of this amount if he cannot secure employment for a period of 12 days. Apart from the minimum guarantee, a reserve pool worker is entitled to an attendance wage of Re. 1 per day for the days he offers for employment and the Dock Labour Board cannot provide him with employment. When a worker in the Reserve Pool, after being booked, presents himself for work and for any reason beyond the control of the employer, the work for which he is booked cannot proceed and no alternative work can be found for him within a stipulated period, he is paid 'disappointment money'.
- (f) The Stevedores, apart from paying the wages of the workers to the Dock Labour Board, are also to pay a certain percentage of the total wages paid to workers as 'Levy' to the Dock Labour Board. This levy is to be utilised by the Dock Labour Board for making payment of guaranteed minimum wage, attendance wage, leave allowances, etc. etc.,

and to defray expenditure on the amenities and training facilities for workers and other working expenses. This percentage charge as 'Levy' has varied at each Port from time to time.

- (g) A registration fee of Rupee one at the commencement of the Scheme and Rupees two later has to be paid by each worker to the Dock Labour Board. Similarly, each employer has to pay to the Board a registration fee which is Rs. 500 at Calcutta and Bombay but Rs. 400 at Madras.

(h) The Scheme provides for:—

- (i) restriction on employment of unregistered workers;
 - (ii) determination of wages and allowances for workers and other conditions of service (wages and allowances are based on daily or time rates and they vary from Port to Port);
 - (iii) working of shifts;
 - (iv) maintenance of proper accounts and registers; and
 - (v) training, welfare, health and safety measures.
- (i) The Scheme also lays down obligations for registered employers and registered dock workers and prescribes disciplinary action against either and also legal penalties for contravention of the provision restricting employment of unregistered workers.
- (j) So far as discipline is concerned, the Stevedores have full control in respect of monthly workers and in the case of reserve pool workers, if there is any act of indiscipline, the employer can return the worker to the pool and should make a written complaint to the Special Officer. The Special Officer, after investigation and in accordance with the prescribed procedure, can award any of the following punishments to the offending worker:—
- (i) Disentitlement to attendance wage for the period the Special Officer thinks proper.
 - (ii) Warning in writing.
 - (iii) Suspension without pay for a period not exceeding three days.
 - (iv) Termination of service after 14 days' notice.
 - (v) Dismissal.

The worker has a right of appeal to the Appeal Tribunal constituted under the Scheme.

If an employer violates any provision of the Scheme, the Special Officer can warn him or direct, after obtaining the approval of the Board, that his name will be removed from the Employers' Register. The employer can appeal to the Dock Labour Board only.

111. Some of the important variations in the Schemes for Bombay, Calcutta and Madras are as follows:—

- (i) The Schedules giving classes or description of dock work and dock workers to which the Scheme applies, somewhat differ for different Ports.

1. *Bombay Scheme.*

- (1) Stevedoring work other than coal work.
- (2) The following categories of stevedore workers:—
 - (i) Foreman.
 - (ii) Chargeman.
 - (iii) Stevedore Tindal.
 - (iv) Winchman.
 - (v) Hatch-Foreman.
 - (vi) Khalasi
 - (vii) Stevedore Worker.

2. *Calcutta Scheme.*

- (1) Stevedoring work other than coal and salt work.
- (2) The following categories of stevedore workers:—
 - (i) Deck Foremen.
 - (ii) Hatch-Foremen or Gunners.
 - (iii) Winchmen.
 - (iv) Sirdars.
 - (v) Mates.
 - (vi) Senior Kamalias
 - (vii) Junior Kamalias
 - (viii) Senior Rolias.
 - (ix) Junior Rolias.
 - (x) Clerks.

3. *Madras Scheme.*

- (1) Stevedoring work other than coal work.
- (2) The following categories of stevedore workers:—
 - (i) Foreman (Serang).
 - (ii) Tindal.
 - (iii) Winchman.
 - (iv) Stevedore Workers.
- (ii) The day-to-day administration of the Schemes at Bombay and Madras has been entrusted to Administrative Bodies of Employers, i.e., respective Stevedore Associations, while in Calcutta an Administrative Officer functions directly under the Board.
- (iii) In the Bombay and Calcutta Schemes it has been provided that if the Special Officer is of the opinion that an act of indiscipline or misconduct by a worker is so serious that the worker should not be allowed to work any longer, he may suspend the worker pending investigation. There is no such provision in the Madras Scheme.

- (iv) In the Calcutta Scheme the Chairman of the Dock Labour Board has been empowered to declare a "go-slow" if it has been resorted to by the workers, and to take necessary disciplinary action. By another clause in the same Scheme the Chairman may, in the case of an emergency, take suitable disciplinary action against both employers and workers. No such provisions have been made in the Bombay and Madras Schemes.

112. Although the three Schemes in force at Bombay, Calcutta and Madras are based on the U.K. Dock Workers (Regulation of Employment) Scheme 1947, there are certain important differences in the Indian Schemes *vis-a-vis* the U.K. Scheme, some of which are mentioned below:—

- (i) There is only one Scheme in U.K. applicable to all the Ports mentioned in the Scheme, unlike three separate Schemes, though almost identical, for the Ports of Bombay, Calcutta and Madras.
- (ii) The U.K. Scheme is administered by the National Dock Labour Board for the whole country and by a Local Dock Labour Board for each Port or group of Ports. The Local Board is responsible to the National Board for matters of local policy and for local administration of the Scheme. The National Board is appointed by the Minister and is a bipartite Body containing equal numbers representing employers and employees apart from the Chairman and a Vice-Chairman. The Local Boards which consist of equal numbers of representatives of dock workers and employers of all such dock workers in each Port are appointed by the National Board and subject to the approval of the National Board the Local Board appoints its own Chairman and Deputy Chairman. In India, however, there is no National Dock Labour Board and there are independent tripartite Dock Labour Boards at Bombay, Calcutta and Madras, appointed by the Central Government.
- (iii) In India, the Dock Labour Boards are responsible for determining the wages, allowances and service conditions of dock workers, whereas under the U.K. Scheme the National Dock Labour Board is, in this matter, responsible only "for securing that the rates of remuneration and conditions of service for dock workers to whom the Scheme applies (including condition as to holidays and pay in respect thereof) will be in accordance with any National or Local Agreement for the time being in force"
- (iv) The U.K. Scheme does not provide for any Administrative Body or Special Officer.
- (v) In India, an Appeal Tribunal is appointed by the Central Government whereas under the U.K. Scheme, Appeal Tribunals are appointed by the Local Boards.
- (vi) In the Calcutta Scheme the Chairman of the Dock Labour Board has been given wide powers to take disciplinary action against workers when they resort to "go-slow" or against the employers as well as the workers in the case of

an emergency. Such powers have, however, not been given to the Chairmen of the Bombay and Madras Dock Labour Boards. In the U.K. Scheme also no such powers have been given to the Chairman of the National or the Local Dock Labour Boards.

- (vii) In India, booking of Reserve Pool workers is done strictly by rotation whereas under the U.K. Scheme, by arrangement with the Local Board, an employer or his representative can attend the call stand and make his own selection of men.

113. It may also be pointed out that although in Clause (3) of the Indian Act it has been specifically stated that "provision may be made by a Scheme for the registration of dock workers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers, whether registered or not, in a Port", little has so far been done in regard to the regulation of employment of casual workers who are not registered under any Scheme.

114. After the implementation of the Schemes complaints started coming in from different quarters. The Shipping Companies, the Stevedore Employers and certain Chambers of Commerce and other Commercial interests complained that the Dock Labour Boards were not functioning properly, the discipline amongst workers had deteriorated, their efficiency and output had gone down considerably resulting in delay in the turn-round of ships, cost of handling had increased, and that the employer-employee relations had suffered. The Port Authorities at Bombay and Calcutta also complained about the fall in output of stevedore workers since the introduction of the Schemes with adverse effects on the traffic handled by these two Ports. On the other hand, some of the Unions of the dock workers alleged that workers were not getting proper deal from the Dock Labour Boards. They demanded that the wages of workers, attendance money and minimum guaranteed wages should be increased and the Dock Labour Boards should provide for training and welfare facilities for workers and also pressed for other categories of dock workers to be brought under the Schemes. The Dock Workers Advisory Committee, appointed under Section 5 of the Dock Workers (Regulation of Employment) Act, 1948, in its first and the only meeting held so far at Bombay on the 3rd and 4th May, 1954, recommended to the Government "to appoint a Committee to enquire into the working of the Schemes and also the possibility and desirability of including all or some of the other categories of workers working in the Docks, in the existing Schemes or preparing separate Scheme or Schemes for such categories.....".

115. Accordingly, the Government of India, Ministry of Labour, vide their Resolution No. Fac. 80(6)/55, dated the 14th January, 1955, attached as Appendix I, appointed a Committee consisting of the following to enquire into the working of the Dock Workers (Regulation of Employment) Schemes at Bombay, Calcutta and Madras:—

Chairman.

Shri S. S. Vasist, Adviser, Railway Ministry, New Delhi.

Members.

Shri A. Ramaswami Mudaliar, Chairman, India Steamship Co., representative of Shipping Companies, Calcutta.

Shri S. C. Sheth, representative of the Bombay Stevedores Association, Ltd., Bombay.

Shri A. N. Chowdhury, representative of the Master Stevedores Association, Calcutta.

Shri Biswanath Dubey, General Secretary, Dock Mazdoor Union, Calcutta.

Shri G. S. Dhara Singh, President, Indian National Dock Workers Federation, Cochin.

Shri Adhir Banerjee, President, Calcutta Port Mazdoor Panchayat, Calcutta.

Shri Vincent Vaz, Docks Manager, Bombay Port Trust, Bombay.

Shri K. Mitter, Traffic Manager, Calcutta Port Commissioners, Calcutta.

Shri V. A. Jaywant, Traffic Manager, Madras Port Trust, Madras.

The terms of reference of the Committee are as follows:—

- “(i) to enquire into the working of the Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and Madras, to examine all difficulties encountered by the parties interested in the working of the Schemes, and to recommend what modifications, if any, in the Schemes are necessary;
- (ii) to enquire into the necessity and feasibility of decasualising other categories of labour covered by the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948) at the three Ports—whether by inclusion in the existing Schemes or by the framing of special Schemes; and
- (iii) to prepare amendments to existing Schemes or to frame new Schemes for the further categories of labour, if any, recommended for decasualisation.”

116. The Resolution also stated that “the Committee may co-opt at any Port such persons to assist it as it considers necessary, but the co-opted Members shall not have the right to take part in the final deliberations of the Committee or in the writing of its Report. A co-opted Member will function only in respect of the Port for which he has been co-opted”

117. At a preliminary meeting of the Committee held at Bombay on the 15th and 16th February, 1955, it was decided to co-opt in respect of each Port—

- (1) the Chairman of the Dock Labour Board;
- (2) a representative from the All-India Port and Dock Workers Federation; and
- (3) a representative from the Indian National Dock Workers Federation, and also to co-opt a representative of the

Calcutta Stevedores Association and a representative of the Madras Stevedores Association in respect of the Ports of Calcutta and Madras respectively.

Accordingly, the following were co-opted as Members for the respective Ports:—

Calcutta.

1. Shri R. Gupta, I.C.S., Chairman, Calcutta Dock Labour Board.
2. Shri Makhan Chatterjee, General Secretary, Calcutta Port Trust Employees Association.
3. Dr. (Mrs.) Maitreyee Bose, President, National Union of Dock Labour.
4. Shri Naresh Nath Mookerjee, M.L.A., President, Calcutta Stevedores Association.

Madras.

1. Shri G. Venkateshwara Ayyar, I.C.S., Chairman, Madras Dock Labour Board.
2. Shri S. C. C. Anthoni Pillai, M.L.A., General Secretary, Madras Labour Union.
3. Shri C. Govindarajaloo, General Secretary, Madras Stevedore Labour Union and Binny Employees Union.
4. Shri P. Lakshmipathi Naidu, Chairman, Madras Stevedores Association.

Bombay.

1. Shri L. T. Gholap, I.C.S., Chairman, Bombay Dock Labour Board.
2. Shri P. D'Mello, General Secretary, Transport and Dock Workers Union, Bombay.
3. Shri H. N. Trivedi, President, Bombay Stevedores and Dock Labourers' Union.

During the unavoidable absence from 3rd to 7th April, 1955 of Shri A. Ramaswami Mudaliar from the meetings of the Committee at Calcutta, Shri I. N. Wankawala was co-opted as a Member for that Port.

118. At the preliminary meeting, the Questionnaire (Appendix II) was finalised and the list of persons and organisations to whom the Questionnaire should be issued was also drawn up. A Press Note was issued stating that the Questionnaire had been issued and any one interested could get a copy by writing to the Secretary of the Committee. The list of persons and organisations to whom the Questionnaire was issued is given in Appendix III.

119. The list of persons or organisations who replied to the Questionnaire or submitted memoranda to the Committee is given in Appendix IV.

120. As the terms of reference of the Committee covered some of the matters which in respect of the Port of Bombay were being dealt with by the Industrial Tribunal set up at Bombay under Government of India, Ministry of Labour Order No. LR.3(44)/54, dated the 23rd

July 1954 (Appendix V), a question was raised whether the Committee could deal with these matters. The opinion of the Law Ministry was sought, it is quoted below:—

"An 'Industrial Tribunal' and an 'Enquiry Committee' can co-exist and make inquiry into a matter or investigate circumstances simultaneously and independently of each other, even though this may result in some overlapping, as the nature of their duties or functions differ from each other and so do their powers and deliberations and different value attaches to their decisions and recommendations."

121. The Committee then held a meeting each at Calcutta, Madras and Bombay and three meetings at Delhi on dates shown below:—

Calcutta—From 25th March to 7th April, 1955.

Madras—From 20th April to 23rd April, 1955.

Bombay—From 29th April to 6th May, 1955.

Delhi—From 28th June to 8th July, 1955.

From 10th August to 17th August, 1955.

On 7th September, 1955.

Oral evidence of individual witnesses or representatives of organisations interested in the working of the Schemes was recorded at these places. A list of witnesses whose evidence was recorded is given in Appendix VI.

122. The Committee's Report has been divided into three parts as indicated below:—

Part I—Observations and recommendations of the Committee including notes of dissent. A summary of the conclusions and recommendations is also given at the end of this part.

Part II—Drafts of the amended Schemes for Bombay, Calcutta and Madras, and of the Rules which are recommended to be framed under the Act for the regulation of employment of dock workers who are not registered under the Schemes.

Part III—Ten Appendices.

123. *Acknowledgements*.—The Committee is grateful to the Port Commissioners, Calcutta, the Madras State Government and the General Manager, Central Railway, Bombay, for the facilities they kindly placed at the disposal of the Committee for its meetings at those places. The Committee would also take the opportunity to thank the Dock Labour Boards and the Port Authorities at Bombay, Calcutta and Madras and all the witnesses for the valuable assistance rendered by them to the Committee by supplying detailed information or tendering evidence before it.

The Committee wishes to record its appreciation of the hard work put in by its Secretary, Shri D. K. Guha, during the course of the enquiry and the preparation of the Report, and other officers, namely, Shri S. S. Mukerjee and Shri M. R. Anand, whose services throughout were valuable. The Committee also expresses its thanks to the staff placed at its disposal by the Ministry of Labour for their efficient and willing work.

CHAPTER II

A SURVEY OF THE IMPLEMENTATION OF THE SCHEMES

201. In the previous Chapter the principal provisions of the Dock Workers (Regulation of Employment) Schemes have, briefly, been mentioned. Certain factual information is given in this Chapter with a view to indicating how the Schemes have actually been implemented at the three Ports in regard to certain important features. The information, however, is not entirely similar in form or details as the Dock Labour Boards at the three Ports do not have a common method or procedure of maintaining records. The Chapter is divided into three sections dealing with Bombay, Calcutta and Madras respectively.

SECTION I—BOMBAY

Administrative Body.

202. The day-to-day administration of the Scheme is done by an Administrative Body which really is the Bombay Stevedores' Association Ltd. The Executive Officer of this Body is called the Administrative Officer and he is responsible for the booking of workers, payment of their wages, keeping their wage records, provident fund records, transfer of workers from one category to another and all other functions assigned to the Administrative Body under Clause 8 of the Scheme. The pay scale of the Administrative Officer is Rs. 1,000-50-1,500. The present Administrative Officer has held the post from the inception of the Scheme; before that he was working for a little over three years with the Bombay Stevedores Association Ltd. as their Labour Officer during the time that Association implemented its own decasualisation scheme.

Special Officer.

203. The Special Officer is carrying out the functions relating to disciplinary action against 'Registered Employers' and 'Reserve Pool Workers' under the provision of Clauses 35, 36 and 37 of the Scheme. No other work has been entrusted to him. The pay scale of the Special Officer is Rs. 500-25-750-(E.B.)-50-900. There have been three changes in the incumbents of this post so far. The first two officers had been loaned by the Ministry of Labour, Government of India, and were returned on the expiry of the period of loan. The third officer was appointed direct on 26th June 1954 on a probationary period of one year. His services were, however, not found satisfactory and were terminated on 19th April 1955 before the expiry of the probationary period. Since then one of the Inspectors is acting temporarily as the Special Officer.

Inspectors.

204. Three Inspectors were appointed in the grade of Rs. 150-10-220-EB/15-300 in November, 1954, to help the Special Officer. They were recruited by the Dock Labour Board after an advertisement. They are all University graduates but had no previous experience of dock

work. They are required to attend to complaints in different shifts and report to the Special Officer. They are also required to explain to the workmen, in case of stoppage of work, their duties and endeavour to have the work started.

Registration of Employers.

205. Every stevedore working in the Docks of the Port of Bombay is required to have a licence from the Trustees of the Port to the effect that he is entitled to carry on stevedoring business. The Dock Labour Board asked for the names and addresses of the firms who had been issued stevedoring licences by the Port Trust and invited applications from them for registration under Clause 10 of the Scheme. All the seventeen stevedores who were handling cargoes applied for registration and were registered and are still on the register.

Registration of workers.

206. Before the Scheme came into force, an unofficial scheme of decasualisation was being operated by the Bombay Stevedores Association Ltd., in respect of pool labour. The main features of the Scheme were as follows:—

- (a) all daily workers were registered, given identity cards and wage cards;
- (b) work was distributed to gangs, hatch-foremen, winchmen and khalasis in rotation from a central booking office;
- (c) from April, 1949 workers were paid attendance allowance of As. -/8/- per day when work was not allotted;
- (d) workers were paid directly their wages and incentive bonus;
- (e) workers were divided for different shifts and were rotated every fortnight;
- (f) workers attended half an hour before commencement of shift for taking booking;
- (g) vacancies in gangs were filled by Tindals; and
- (h) monthly workers were under direct employment and control of employers.

The Registration Committee of the Dock Labour Board decided that all the workmen who were on the registers of the Bombay Stevedores Association on the 12th June, 1951 or who were employed as monthly employees on the 12th June 1951 should be entitled to registration. Lists of such employees were called for from the employers of monthly labour and the Bombay Stevedores Association. Applications were then invited from the workers and these were checked with the lists supplied by the employers. Categories of workers, as detailed in the following paragraph, were registered.

Categories of Workers brought under the Scheme

207. The Schedule attached to the Scheme for Bombay included the following categories of stevedore workers:—

- (1) Foreman.
- (2) Chargeman.
- (3) Stevedore Tindal.

- (4) Winchman.
- (5) Hatch Foreman.
- (6) Khalasi.
- (7) Stevedore Worker.
- (8) Cleaning Tindal.
- (9) Cleaning Worker.

At the fourth meeting of the Bombay Dock Labour Board held on 27th September 1951, it was decided that the categories of Cleaning Tindals and Cleaning Workers should be deleted from the Schedule. These two categories were then deleted from the Schedule by the Government on the recommendation of the Bombay Dock Labour Board and workers in these categories were not registered and brought under the Scheme. The Dock Labour Board, Bombay, also decided at the same meeting that the categories of Foremen—Grade I, II and III and Chargemen also should not be brought under the Scheme and registered, as these employees worked in supervisory capacities and were not workers. Besides, 80 per cent. of such employees had been employed on a monthly basis. The Board recommended the exclusion of these categories from the operation of the Scheme to the Government of India who have deferred decision pending the receipt of the Report of this Committee. In the meantime these categories were not registered by the Board.

208. Workers in the following categories only have so far been registered by the Dock Labour Board and brought under the Scheme:—

- (1) Tindal.
- (2) Winchman.
- (3) Hatch Foreman.
- (4) Khalasi.
- (5) Senior Stevedore Worker.
- (6) Junior Stevedore Worker.

Gangs and their composition.

209. One Tindal, three Senior Workers and four Junior Workers are grouped together to form a stevedoring gang and the Tindal is incharge of the gang. The gang is treated as a unit for the purpose of booking.

Duties of Workers.

210. The senior and junior workers of the gang work in the holds of the ships along with the Tindal and attend to loading and unloading of cargo. They all work in a team and in practice there is no difference in the nature of the work that they do. The Tindal is the overall supervisor of the gang to see that work goes on in a smooth way. He is also to see that the workers do not damage the gear or the cargo. He is also to report vacancies in his gang immediately to the Administrative Body. The duties of the Hatch Foreman are to signal properly to the crane drivers or to the Winchmen for lifting or lowering the loads or empty hooks from or into the hatch. The

Hatch Foreman in the Port of Calcutta, however, has entirely different functions as will be mentioned later. The Khalasis are mainly for the preparation of derricks for work and unrigging of derricks after work, oiling of winches, assisting in fixing hatch beams and hatch covers, etc. etc. The winchman drives the winch.

Number of Registered Workers.

211. The number of workers on register at the end of each year were as under:—

End of 1952	...	...	3384
End of 1953	...	...	3572
End of 1954	...	...	4442

Out of 4,442 workers at the end of 1954, 3824 were in the reserve pool and 618 in the monthly register. Of the 3824 reserve pool workers, 700 workers were in a sub-pool of R.P.Ws. (Reserve Pool Workers). The R.P.Ws. constitute a group or sub-pool of individual workers required for filling up casual vacancies in gangs in the reserve pool or in the monthly register. The details of the number of workers in the reserve pool or in the monthly register under different categories at the end of 1954 were as follows:—

	Number of workers on register.	
	Pool	Monthly
1. Gang workers	... 2248	536
2. Winchmen	... 360	24
3. Hatch Foremen	... 379	17
4. Khalasis	... 137	41
5. Reserve Pool Workers	... 700	...
TOTAL	... 3824	618=4442

Shift Working.

212. The dock work at Bombay is being carried out in three shifts as mentioned below:—

- (1) *Day Shift*—8 A.M. to 5 P.M. with one hour's recess from 12 Noon to 1 P.M. Total working hours —8.
- (2) *Night Shift*—5-30 P.M. to 12 midnight with half an hour recess from 8-30 P.M. to 9 P.M. Total working hours—8.
- (3) *Extra Night Shift*—00-30 A.M. to 7 A.M. with half an hour recess from 3-30 A.M. to 4 A.M. Total working hours —6.

The extra shift is optional. In practice the monthly workers are not normally permitted to be employed for more than one shift a day but the workers in the pool are so permitted.

Method of booking.

213. Under the Scheme the Pool workers are to be given employment in rotation. The booking of workers in rotation is done by the Administrative Body. The entire strength of the reserve pool

is divided into two groups—one for the day shift and the other for the night and extra shifts respectively. The workers rotate from day to night shifts and *vice versa* every fortnight. The division of workers into two groups is as follows:

	Gangs	Winchmen	Hatch Foremen	Khalasis
Day	150	216	227	90
Night and Extra	200	217	227	90

214. Every reserve pool worker has a wage card for the purpose of booking. A gang consisting of a Tindal and senior and junior workers is treated as a unit and the Tindal who is the incharge of the gang, presents the wage cards for all the workers in his gang and takes booking for the entire gang. Winchmen, Hatch Foremen and Khalasis submit their cards individually and are booked individually. Booking is done thrice daily for the three shifts, at 7-30 A.M. for the day shift, 5 P.M. for the night shift and 5-30 P.M. for the extra night shift. For separate categories there are separate queues leading to the booking windows and notice boards with instructions in Urdu and English are exhibited at all the windows. The booking numbers of gangs or workers in categories booked individually for the shift concerned are shown on large boards and the same are also announced in vernacular over the loudspeakers.

The workers enter their respective queues at 7-30 A.M., 5 P.M. and 5-30 P.M. when a bell is rung. The workers exchange their cards for booking slips. Those who do not get booking in the shift wait after submitting their wage cards. In about 15 minutes the regular booking for workers of all categories is completed and a second bell is rung. A worker reporting after this is treated as absent both for booking and attendance allowance. After the second bell has been rung, absentees are substituted in rotation from those on the attendance roll but who have not already been booked. Substitutes for vacancies in the gangs are also picked up from amongst the R.P.Ws. by the Tindals and their wage cards are presented along with the cards of the members of the gang who are present. The Administrative Body has arrangements to receive and comply with requests for substitutes at any time of the day and night. The telephonic requests are subsequently confirmed in writing on regular indent forms.

Employment of Registered Workers.

215. The statistics of employment of the workers in the gangs have one limitation, *viz.* they show the employment of the gang as a unit and not of each individual member of the gang. Similarly, statistics about the employment position of the R.P.Ws. individually

are also not kept. The details of employment of various categories of workers for the year 1954 are shown in the following statement:—

NUMBER OF BOOKINGS PER WORKER PER MONTH

Year and month	Gangs		Winchmen		Hatch*Foremen		Khalasis	
	Pool	Monthly	Pool	Monthly	Pool	Monthly	Pool	Monthly
1954								
January . .	36	22	39	24	36	21	39	24
February . .	34	21	38	23	36	21	36	23
March . .	34	21	39	23	35	22	33	22
April . .	35	21	39	20	46	20	35	22
May . .	33	22	42	18	50	22	37	21
June . .	35	22	42	22	45	21	35	24
July . .	33	24	42	26	40	23	37	25
August . .	36	22	40	22	36	26	38	20
September . .	33	23	42	24	39	23	45	24
October . .	35	23	38	24	36	24	37	23
November . .	35	24	30	24	32	25	33	22
December . .	33	23	28	30	30	24	29	22
Average*	34	23	38	23	38	23	36	23

It will be seen from the above statement that in the case of pool workers, the average number of bookings per month for the whole year per worker was more than 30 for all categories. In certain months the average bookings of the gangs were as high as 36 and for Winchmen, Hatchforemen and Khalasis the highest average bookings were 42, 50 and 45 respectively. In fact, individual workers in some cases had received much higher bookings than the highest averages mentioned above.

Employment of Unregistered Labour.

216. Normally, the Dock Labour Board does not employ casual workers. In most cases heavy demands for labour are met by employing registered workers in two or even three shifts within 24 hours. Occasionally, however, registered workers were not available and in order to carry out the work unregistered workers were employed. The Administrative Body employs these unregistered workers from workers who are available on the spot. Most of them are registered with the Employment Exchange. It is not practicable to approach the Employment Exchange to make casual workers

* Arithmetical average of monthly averages.

available when need arises at odd hours. The details of employment of unregistered workers in terms of the number of man-shifts for various categories are shown in the table below:—

NUMBER OF MAN-SHIFTS WORKED BY UNREGISTERED WORKERS

Category of workers	1953	1954
1. Tindals	20	39
2. Senior workers	627	357
3. Junior workers	32,715	17,795
4. Winchmen	2,986	5,774
5. Hatchforemen	2,090	3,650
6. Khalasis	480	930
TOTAL	38,918	28,545

It will be seen that the maximum employment of unregistered workers was in respect of junior stevedore workers and the next highest was for winchmen and hatchforemen respectively. The total number of man-shifts put in by unregistered workers during 1954 was a little less than 29,000 as compared with 11.5 lakhs man-shifts worked by the registered workers in the same year. The casual employment was about 2.5 per cent. of the total employment of the stevedore workers at this Port.

Absenteeism

217. The Bombay Dock Labour Board has supplied figures of absenteeism for the months of January, February and March, 1955 for different categories of workers and they are shown below:—

Category	January 1955 (%)	February 1955 (%)	March 1955 (%)
Tindals	18.4	17.1	18.8
Senior workers	28.3	24.3	23.5
Junior workers	26.6	25.6	29.8
Winchmen	24.4	28.6	34.0
Hatchforemen	23.3	27.4	35.0
Khalasis	16.4	24.8	34.3
Reserve Pool workers	25.1	25.9	35.0

The average absenteeism on the basis of the figures for these three months would work out as follows:—

Tindals	18.1%
Senior workers	25.4%

Junior workers	27.3%
Hatchforemen	23.6%
Winchmen	29.0%
Khalasis	25.2%
Reserve Pool workers	28.6%

The above statement shows that among the various categories of workers, absenteeism ranges from 18.1 per cent. to 29.0 per cent.

Subsequent Registrations

218. In early 1953, it was found that the number of registered workers was inadequate. This is confirmed by the incidence of casual employment, as mentioned in para. 216 above, over and above the fact that workers were often called upon to work in two or three consecutive shifts. In July 1953, as many as 378 workers had to work for 50 to 60 shifts and 21 workers for 61 to 70 shifts. In August 1953, 91 workers had to work for 50 to 60 and 3 workers for 61 to 70 shifts. The Board decided that the strength of labour force should be increased temporarily for a period of three months. The Registration Committee, however, failed to implement the Board's Resolution.

219. Again from February 1954, the demand for labour increased and the Administrative Body requested the Board to increase the labour force by 117 gangs, 166 hatchforemen, 154 winchmen and 52 khalasis. This demand was resisted by labour interests on the plea of consequent reduction in employment of the existing workers but at the intervention of the Chief Labour Commissioner they agreed, as a tentative measure, to increase the labour force by 50 gangs, 60 hatchforemen, 75 winchmen and 200 Reserve Pool workers required for filling casual vacancies. This additional labour force provided in the month of July 1954 not only had to be kept on permanently but a necessity for further additions was felt and the Dock Labour Board on 16th April, 1955, decided to increase the labour force from 1st May, 1955. Accordingly, the number of registered workers was increased by 70 gangs (i.e. 70 Tindals and 490 Stevedore Workers), 100 Winchmen, 100 Hatchforemen, 35 Khalasis and 500 Reserve Pool Workers in May, 1955. The number of workers at the end of May, 1955, was as under:—

	Pool	Monthly
Gang	2,800	544
Winchmen	433	57
Hatchforemen	454	50
Khalasis	180	35
Reserve Pool Workers	1,200	..
TOTAL	5,067	686 = 5,753

Wages.

220. Under the Scheme the wages of both the monthly and the reserve pool workers are to be prescribed by the Dock Labour Board. The Bombay Dock Labour Board has prescribed the following wage rates:

RESERVE POOL

Category of worker	Basic wage	Dearness allowance	Total
	Rs. as. p.	Rs. as. p.	Rs. as. p.
Tindal . . .	3 8 0	1 12 0	5 4 0
Senior worker . .	2 8 0	1 12 0	4 4 0
Junior worker . .	2 2 0	1 12 0	3 14 0
Winchman . . .	2 8 0	1 12 0	4 4 0
Hatchforeman . .	2 8 0	1 12 0	4 4 0
Khalasi . . .	2 8 0	1 12 0	4 4 0

MONTHLY WORKERS

Category of worker	Basic wage per mensem	Dearness Allowance per mensem	Total
	Rs.	Rs.	Rs.
Tindal . . .	93	45	138
Senior worker . .	68	45	113
Junior worker . .	58	45	103
Winchman . . .	68	45	113
Hatchforeman . .	68	45	113
Khalasi . . .	68	45	113

The wages of monthly workers cover 26 days' work in a month. Wages for work on Sundays and holidays are at $1\frac{1}{2}$ times the basic rates plus single dearness allowance for all workers.

221. From the 1st July 1953, the employers of monthly workers themselves gave the following increments in the wages to monthly workers and they did not obtain the sanction of the Dock Labour Board for them:—

Tindal	Rs. 55 P.M.
Senior worker	Rs. 35 P.M.
Junior worker	Rs. 30 P.M.
Winchman	Rs. 35 P.M.
Hatchforeman	Rs. 35 P.M.
Khalasi	Rs. 35 P.M.

The total wages of the monthly workers at present, therefore, work out to the figures given below:—

Tindal	...	Rs. 193/-
Senior worker	...	Rs. 148/-
Junior worker	...	Rs. 133/-
Winchman	...	Rs. 148/-
Hatchforeman	...	Rs. 148/-
Khalasi	...	Rs. 148/-

222. The average monthly earnings of reserve pool workers for the year 1954 worked out as under:—

<i>Category of worker</i>	<i>Earnings</i>
Gang as a unit	Rs. 1,145/-
Hatchforeman	Rs. 163/-
Winchman	Rs. 163/-
Khalasi	Rs. 154/-

Actual monthly earnings of each individual category forming a gang are not readily available. However, if the monthly earnings of a gang are split up in the ratio of wage rates of different categories of workers in the gang, the average monthly earnings of a worker in each category would be as follows:—

Tindal	...	Rs. 179/-
Senior worker	...	Rs. 144/-
Junior worker	...	Rs. 132/-

Minimum Guarantee

223. The minimum guarantee is for 12 days' wages in a month. It will be noticed from the figures mentioned in the previous paragraph that in each category the earnings of a worker were much above the minimum guarantee. In fact, since the inception of the Scheme no payment had to be made to any category of workers on account of minimum guarantee. The actual monthly employment in the case of each individual worker was more than the guaranteed minimum employment.

Overtime

224. On an assurance by the Labour representative that in normal course workers shall work overtime whenever required by the employers, overtime has not been made obligatory. Nor has any restriction been placed on the length of the total amount of overtime to be worked in a day, a week or a month by a worker. The overtime is paid at $1\frac{1}{2}$ times the basic rate and the hourly rate for each category of workers on this basis works out as follows:

Tindal	...	As. -/11/- per hour
Senior worker	...	As. -/8/- per hour
Junior worker	...	As. -/6/- per hour
Winchman	...	As. -/8/- per hour

Hatchforeman	...	As. -/8/- per hour
Khalasi	...	As. -/8/- per hour

Leave and Holidays

225. Monthly as well as Pool workers are allowed the same leave benefits which are as under:—

(i) *Paid leave*

- (a) Privilege leave equivalent to 1/20th of the number of days attended by them in a year.
- (b) Casual leave of 7 days in a year.
- (c) Sick leave of 7 days in a year.

There are 12 holidays in the docks in a year. The workers have not been working on any of these 12 days since 24th August, 1953. Prior to that, they were working almost on all the holidays except Id, Bakri-Id and Mohurram, since about 75% of workers are Muslims.

On Sundays the work in the Docks is carried on normally. The workers are paid at 1½ times the basic wage plus single dearness allowance for working on Sundays.

(ii) *Unpaid leave*

All workers are allowed three months' leave without pay in a year. Pathan workers are usually allowed to go for six months on leave at a time since they normally do not go home every year.

(iii) *Weekly off*

Monthly workers are given a weekly off on Sundays. They may, however, be required to work on Sundays in the following circumstances:—

- (a) Handling ammunition cargo.
- (b) Handling refrigerated cargo.
- (c) Handling heavy lifts.
- (d) Urgent work.

For working on Sundays the monthly workers are also paid on the same basis as pool workers. The pool workers are not given any weekly off.

Wage Bill.

226. The wage bill of the pool workers during the last three calendar years was as under:—

1952	...	37 lakhs
1953	.	45.4 lakhs
1954	...	49.5 lakhs

The break-up of the wage bill of the pool workers for the years 1953 and 1954 by various items of wages is shown below:—

	1953		1954	
	Rs.	Percentage to total	Rs.	Percentage to total
	Lakhs		Lakhs	
Wages	42.0	92.5	45.6	92.1
Attendance allowance	0.6	1.3	0.8	1.6
Overtime	0.2	0.4	0.2	0.4
Incentive bonus	0.4	0.9	0.2	0.4
Leave	2.2	4.9	2.7	5.5
TOTAL	45.4	100.0	49.5	100.0

Levy.

227. The registered employers are required to pay to the Dock Labour Board a percentage of the total wage bill of the reserve pool workers in order to enable it to defray other expenses incurred under the Scheme. No levy is charged in respect of monthly workers. The levy has varied from time to time as shown below:—

From 1st February, 1952 to 31st December, 1952.	20% of the gross wages of reserve pool workers.
From 1st January, 1953 to 30th April 1955	50% of the gross wages of reserve pool workers.
From 1st May, 1955	30% of the gross wages of reserve pool workers.

Incentive Bonus

228. There is an incentive bonus scheme for stevedore workers working in day and night shifts but not in the extra night shift. The incentive bonus scheme is based on certain datum lines prescribed for various types of cargo, in some cases according to commodities while in others according to steamer lines. The details of the datum lines are given in Appendix VII. It will be seen that they vary from 39 to 90 tons per gang per shift in the case of import cargo and 34 to 75 tons in the case of export cargo. The bonus paid is equivalent to double the wage rate inclusive of all allowances for every ton of cargo handled in excess of the datum line tonnage.

The amounts of incentive bonus earned both by the pool workers and monthly workers are indicated below:—

Year	Amount of incentive bonus earned by		Total
	Reserve Pool workers	Monthly workers	
	Rs. as. p.	Rs. as. p.	Rs. as. p.
1952	45,382 13 0	25,381 4 6	70,764 1 6
1953	41,522 12 0	15,750 7 0	57,273 3 0
1954	17,322 0 0	1,904 14 0	19,226 14 0

Training Facilities, Amenities and Welfare Measures for Stevedore Workers.

229. (i) *Training*.—The Board has taken up the question of training of workers only recently and it has been suggested that initially the training should be imparted by the Board to winchmen only. The Board is trying to make arrangements with the Ministry of Defence in their shore establishments at Bombay to train winchmen.

(ii) *Housing*.—The Dock Labour Board has a Housing Scheme for the workers. The Board has decided to purchase land measuring about 16,800 sq. yards in a convenient locality. This colony will be able to provide accommodation for about 650 workers.

(iii) *Other Welfare Measures*.—The facilities regarding welfare and other amenities are common with shore workers. The Bombay Port Trust provides amenities on shore for all workers. In regard to health, the Board has undertaken the construction of a building for a medical dispensary for the benefit of the stevedore workers.

230. There is a provident fund and a gratuity scheme for the stevedore workers. The main features of the scheme are as follows:—

(a) *Provident Fund*.—The workers are required to contribute 6½% of their basic earnings. The Board makes an equal contribution. As a rule, the Board's contribution becomes payable after five years. In computing this period, previous service rendered by a worker with his previous employers is taken into account. In case of death or discharge for any reasons, the Board pays its contribution irrespective of the length of service. The total amount of Provident Fund Contribution upto 1st January, 1955 stood at Rs. 5 lakhs. The details of contributions by different categories of workers in the reserve pool are shown below:—

Category	No. of workers contributing as on 1-1-55	Total amount contributed upto 1-1-55 by workers in pool			Amount contributed by Board			Total		
		Rs.	as.	p.	Rs.	as.	p.	Rs.	as.	p.
1. Tindals	283	31,765	14	0	31,765	14	0	63,531	12	0
2. Senior workers	849	67,396	6	0	67,396	6	0	1,34,792	12	0
3. Junior workers	1,046	83,740	8	0	83,740	8	0	1,67,481	0	0
4. Winchmen	322	26,701	8	0	26,701	8	0	53,403	0	0
5. Hatch foremen	392	32,683	5	0	32,683	5	0	65,366	10	0
6. Khalasia	102	8,334	7	0	8,334	7	0	16,668	14	0
TOTAL		2,50,622	0	0	2,50,622	0	0	5,01,244	0	0

(b) *Gratuity*.—The Board pays gratuity at the rate of 15 days' basic wages for each year of service, subject to a maximum of 15 months' wages. In computing the length of service,

the services rendered by the worker with his previous employers before the introduction of the Scheme, are taken into account. As a rule, gratuity becomes payable after a minimum of 5 years' service except in case of death or discharge for any reason, when gratuity is paid even for lesser number of years of service.

Income and Expenditure of the Board.

231. The Dock Labour Board derives its income from the levy and registration fees and its main items of expenditure are administrative and establishment expenses of the Board, attendance allowance, provident fund, gratuity and leave salary to workers. The details of income and expenditure upto 31st March, 1955 are shown in the statement below:—

INCOME AND EXPENDITURE

Year	Income (in thousands of Rupees)		Expenditure (in thousands of Rupees)					
	Levy	Other (including interest on Bank account)	Adminis- trative expendi- ture of the Dock Labour Board	Atten- dance allow- ance	Provi- dent Fund	Leave wages	Gratuity	Total
1951-52 . .	124.1	..	30.0	7.3	..	..	..	37.3
1952-53 . .	1005.9	7.0	212.1	104.4	29.5	48.2	..	394.2
1953-54 . .	2138.8	35.9	214.3	45.0	133.2	256.3	39.6	687.8
1954-55—								
April-June . .	529.7	0.2	56.1	7.3	31.0	54.5	5.0	153.9
July . .	228.8	12.4	19.7	9.3	11.5	10.2	.0	52.7
August . .	222.9	8.6	20.4	10.3	10.6	8.8	3.7	53.8
September . .	242.6	4.0	21.3	12.0	12.3	11.5	4.2	61.3
October . .	204.3	0.1	19.1	13.3	11.0	39.1	2.2	84.7
November . .	200.6	8.4	25.3	7.3	10.9	39.0	2.0	84.5
December . .	185.4	0.1	20.1	8.5	10.9	34.7	1.3	75.5
January 1955	214.0	1.9	25.2	8.3	11.6	28.9	1.2	75.2
February 1955	197.0	5.5	20.6	7.5	10.9	33.5	1.0	73.5
March 1955 . .	214.4	24.9	32.5	7.9	11.6	32.1	2.9	87.0
TOTAL . .	2,439.7	66.1	260.3	91.0	132.3	292.3	25.5	802.1

The surplus of income over expenditure on 31st March 1955 was
Rs. 31,04,473-5-1

Offences committed by workers under the Scheme and action taken by the Special Officer.

232. All complaints to the Special Officer, whether against workers or against employers, must be made in writing. The following statement shows the total number of workers punished for different kinds of complaints received by the Special Officer during the years 1953 and 1954:—

Complaints	1953	1954
Reporting late for duty	23	18
Not reporting for duty after accepting booking	51	5
Missing from place of work or leaving the ship without permission	214	151
Disobeying the lawful orders or refusing to work as directed	170	568
Operating two winches at a time and two hooks at a time	2	5
Overloading, carelessness and negligence	35	25
Smoking or sleeping and playing cards while on duty	18	54
Assaulting, abusing and quarrelling, rude and insolent behaviour	53	85
Tindals working with less men and refusing booking to his own workers	1	13
Allowing unauthorised persons to work	4	2
Theft	17	3
Go-slow and stoppage of work	16	596
Refusal to accept booking	3	18
Absence for more than seven days and overstaying leave without permission . . . . .	..	12
TOTAL	597	1,555

There is an increase in the number of cases of smoking or sleeping and playing cards while on duty, assaulting, abusing and quarrelling, rude and insolent behaviour, Tindals working with less men and refusing booking to his own workers and a very marked rise in the number of cases of disobeying the lawful orders or refusing to work as directed and 'go-slow' and stoppages of work are noticeable.

An analysis of action taken by the Special Officer against workers

233. An analysis of the action taken by the Special Officer in the above mentioned cases is shown in the statement below:—

	1953	1954
1. No. of complaints received	541	479
2. No. of workers against whom action as detailed below was taken—		
(a) Suspension	234	939
(b) Disentitlement to wages	184	476
(c) Warnings	179	130
(d) 14 days' notice . . . . .	..	9
(e) Dismissal . . . . .	..	1
Total number of workers punished	597	1,555
No. of workers against whom no action was taken	528	725
Total No. of workers involved	1,125	2,280

The Dock Labour Board has supplied the following statement to show the time taken by the Special Officer in dealing with cases of complaints.

Out of 511 complaints received by the Special Officer during the period 1st April 1954 to 31st March 1955, 28 (i.e. 5½ per cent. of total) were disposed of by him within a week, 123 (i.e. 24 per cent.) within a fortnight, 59 (i.e. 11½ per cent.) within 3 weeks, 148 (i.e. 29 per cent.) within a month and the rest 153 (i.e. 30 per cent.) took him more than a month to dispose of.

Offences committed by the Employers and action taken by the Special Officer.

234. There were 7 cases in which the employers were alleged to have employed monthly workers on a Sunday or a holiday or in a second shift. In one case a registered employer was alleged to have engaged an unregistered hatchforeman as from his monthly register. In 2 cases the employers concerned were warned.

Transfers, promotions and filling up of posts

235. These matters are covered by Clauses 14 and 22 of the Scheme. During the years 1953 and 1954, about 1500 workers were given promotion and transferred from one category to another.

Appeals to Appeal Tribunal

236. During the period 1-2-1952 to 31-7-54, 153 cases were referred to the Appeal Tribunal by workers, against the orders of the Special Officer. In 114 cases the orders of the Special Officer were confirmed. In 5 cases period of suspension was reduced from 3 to 1 day. In 3 cases period of suspension was reduced from 2 to 1 day and in 2 cases, orders of suspension for 2 days were quashed but orders for disentitlement of wages were maintained.

Adjudication

237. Two cases have so far been referred to the Industrial Tribunal for adjudication. The first case was referred to on 8-11-52 and the following matters were under dispute in this case:—

- (i) Timings for taking bookings by the registered workers in the reserve pool of the Bombay Dock Labour Board.
- (ii) Payment for early attendance for booking.
- (iii) Refund of the amount of attendance money deducted by the orders of the Special Officer of the Bombay Dock Labour Board.

The Tribunal rejected all the demands of the workers and issued directions that the workers must attend for booking half an hour before the commencement of the work.

238. Another dispute in respect of shore workers and cranemen of the Bombay Port Trust as well as stevedore workers was referred to Shri M. R. Meher, President, Industrial Tribunal, Bombay, on 23-7-54 by the Central Government. The terms of reference to the Tribunal are given in Appendix V. The Tribunal has given its award; Part I of the Award was published in an extraordinary issue of the

Gazette of India dated 13th June, 1955 and Part II of the Award has been published vide Government of India, Ministry of Labour Notification No. S.R.O. 1359 dated 21st June, 1955. Appeals against the award have been filed before the Labour Appellate Tribunal, Bombay.

SECTION II—CALCUTTA

Administrative Officer

239. Unlike Bombay there is no Administrative Body at this Port. The day-to-day administration of the Calcutta Scheme is carried on by an Administrative Officer. Apart from carrying out the functions of the Administrative Body, as laid down in Clause 8 of the Calcutta Scheme, he looks to the organisation, supervision and training of the Inspectors. He also attends all meetings of the Sub-Committees of the Dock Labour Board and represents the Board before Tribunals when required. The pay scale of the Administrative Officer is Rs. 1300—60—1600. The then Regional Labour Commissioner, Calcutta, was appointed as the first incumbent of the post on 20th July 1953. He was succeeded on 1st June 1954 by another Officer on deputation from the Ministry of Labour. This Officer had previously worked as Special Officer at Bombay Port and as an Officer on Special Duty in connection with the introduction of the Dock Workers (Regulation of Employment) Scheme at Madras..

Special Officer

240. There is a Special Officer who carries out the functions laid down in the Scheme and deals with complaints made by the employers, the officers of the Dock Labour Board and Calcutta Port Commissioners, Unions of Workers or individual workers. He also makes routine inspections of vessels and visits them occasionally for settlement of disputes. The Special Officer has a fixed pay of Rs. 400/- per month. The Dock Labour Board appointed the Special Officer on 1st January, 1954 and the same incumbent has continued up-to-date. This officer had served as a Labour Inspector (Central) under the Ministry of Labour, Government of India, for 8 years before joining the Board on deputation. He had, however, no previous experience of dock work.

Inspectors

241. 18 posts of Inspectors on a scale of pay of Rs. 200—10—260—15—350 have been created by the Board. A Selection Committee was constituted for the purpose of selecting suitable candidates for these posts and the Committee approved the appointment of 16 Inspectors. Due, however, to the introduction of the third shift with effect from the 25th April, 1955 there was an increase in work and the appointment of 4 more Inspectors on a temporary basis was approved by the Chairman in anticipation of the Board's sanction. These 4 Inspectors are officiating temporarily subject to confirmation by the Selection Committee. Inspectors are attached to the Administrative Officer and not to the Special Officer. Some of the main duties of the Inspectors at Calcutta Port are as follows:—

- (i) To check time each hatch or hook starts working and note reasons for delay.

- (ii) To solve minor disputes on the spot after holding proper enquiries.
- (iii) In case of stoppage of work, to make efforts to restart the work and in case of his failure to inform the higher authority immediately.
- (iv) To keep a check on the employment of unregistered workers by employers.
- (v) To see that the decisions of the Expert Committee* in regard to accidents, etc. are observed.
- (vi) To attend to injured persons in case of accident and to remove them to hospital.
- (vii) To hold preliminary enquiries in regard to accidents.

A course of instruction for Inspectors was conducted in the year 1954. Five practical classes were also held on board the vessel. Nineteen lectures were delivered for the training of Inspectors and the subjects covered, amongst other things, were stowage, management, accidents, Expert Committee's decisions, disciplinary action under the Scheme etc. etc.

Registration of Employers.

243. A notice was published in the press calling for applications in a prescribed form from employers for registration under Clause 10(1) (b) of the Scheme. The last date for entertaining applications was the 24th November, 1952. Thirty-five stevedores who applied in response to the notice were registered under the Scheme. There was some doubt as regards the meaning of Clause 10, sub-clause 1 (b) of the Scheme. The original wording was as follows:—

“In so far as the Scheme of the stevedore labour is concerned, every stevedore who is working as a stevedore in the Port of Calcutta at the time when the Scheme is put into operation, shall be entitled to be registered under the Scheme.....”

As the Scheme was notified on the 5th October 1951 and the Board was not constituted till the 2nd September 1952, it was decided to amend the Scheme so that all stevedores who were functioning as such on the date of the constitution of the Board would be entitled to registration and the amendment was accordingly notified by Government. Another difficulty that arose in connection with registration was that the Board was originally required to prescribe a minimum number of monthly paid workers to be kept in the permanent employment of the stevedores in addition to such gear as was required to clear a ship of general cargo. Under the provisions of the Scheme, as it originally stood, the employment of monthly

* The Expert Committee which was set up as the result of an agreement between the employers and the Dock Mazdoor Union gave its decisions on the 28th March, 1951. The decisions, which are given in Appendix VII, lay down the basis on which gangs are booked. It was laid down in the agreement that the decisions of the Expert Committee shall be accepted as final and binding on both parties until modified by the Dock Labour Board, which was to be set up under the decasualisation scheme. The Dock Labour Board accepted the decisions of the Expert Committee in 1950.

workers was obligatory on the part of the stevedores. Taking into account local conditions and in the light of experience gained, the relevant provision was amended by Government with a view to making the provision permissive in place of mandatory. The Board issued temporary licences to registered stevedores. The licence is renewable every month. The number of registered employers at present is 29.

Registration of workers.

244. All persons who were working as dock workers on the date on which the Board was constituted, viz., 2nd September 1952, were called for registration. The Board took this step with full awareness of the provisions of Clause 12 of the Scheme. The registration of workers was done on the basis of photographs and personal identity as proved from the Identity Cards issued by the stevedores and from such registers of workers as were maintained by each stevedore. In the initial stages difficulties had to be faced in this respect as the workers were not willing to present themselves for registration on the ostensible plea that their wages and conditions of service should be first prescribed by the Board before they would agree to get themselves registered though actually certain extraneous factors including change from one system to another and possibly active discouragement by Sirdars were responsible for their hesitation and indecision. But as a result of intensive and repeated publicity through the several unions of these workers and through leaflets issued by the Board in the local vernaculars, confidence was instilled and workers began to turn up for registration from early March 1953. The last date of registration was tentatively fixed by the Administrative Officer as 30th September 1953. There was a rush for registration at the end of September 1953 and all the applications could not be scrutinized and dealt with by the due date; the formalities incidental to registration, therefore, had to be carried on even later than September 1953. The Identity Cards in the possession of the workers were stamped with the seal of the Board as a token of their having recorded their presence for registration. The issue of the Board's Identity Cards was held up pending scrutiny of all facts concerning registration. The pool started functioning from October, 1953.

Categories of workers brought under the Scheme

245. The Schedule attached to the Scheme for Calcutta included the following categories of stevedore workers:—

- (1) Deck Foremen.
- (2) Hatch Foremen or Gunners.
- (3) Winchmen.
- (4) Sirdars.
- (5) Mates.
- (6) Senior Kamalias.
- (7) Junior Kamalias.
- (8) Senior Rolias.
- (9) Junior Rolias.
- (10) Clerks.

The registration in regard to Sirdars, Mates, Senior and Junior Kamalias, Senior and Junior Rolias and Winchmen have so far been completed by the Dock Labour Board. The Deck Foremen and Hatch Foremen are still in the process of being registered. The clerks have not been registered. These clerks, generally known as tally clerks, are being employed by stevedores and steamer companies. The Board adopted the following Resolution at its meeting held on the 14th October, 1954—"that the Scheme be amended to make it applicable to all tally clerks whether working under stevedores or other employers and that a reference be made to Government accordingly". The Government of India has deferred decision pending the receipt of the Report of this Committee. In the meanwhile, however, the registration of the stevedores' tally clerks only has been agreed to and is now in progress.

Gangs and their composition.

246. The stevedoring gang consists of nine workers and its composition is as follows:—

- (1) One Sirdar.
- (2) One Mate.
- (3) One Kamalia I.
- (4) One Kamalia II.
- (5) One Kamalia III.
- (6) One Kamalia IV..
- (7) One Rolia I.
- (8) One Rolia II.
- (9) One Rolia III.

The Sirdar is incharge of the gang. The gang is treated as a unit.

Duties of workers.

247. The Sirdar is responsible for taking the booking for his gang, for obtaining substitutes in casual vacancies, and for safe handling and stowage of cargoes. The Mate actually supervises the working of the gang on the vessel. The Kamalias and Rolias, more or less, correspond to Senior and Junior Stevedore workers of Bombay. All of them handle cargo and attend to guy ropes, etc., collect and bag sweepings of spilled cargo, apply and remove dunnage, etc. etc. Rolia No. III, who is the junior-most worker in the gang, however, works as a signalman to signal properly to crane driver or winchman for lifting or loading empty or loaded slings. The Winchman drives the winch. The Deck Foreman is incharge of the entire loading and unloading operation on board the ship. The Hatch Foreman, also called the Gunner, is incharge of the work in a hatch or hatches and he is to see that the work in his hatch is performed efficiently. He is to carry out the orders of the Deck Foreman and all unusual occurrences in his hatch, or hatches, are to be reported to

him. Both the Deck Foreman and the Hatch Foreman should be conversant with port regulations, dock safety rules and the Dock Labour Board regulations.

Number of registered workers

248. The number of workers on register at the end of 1953, 1954 and June, 1955 were as under:—

End of 1953	..	9,796
End of 1954	..	10,643
End of June, 1955	..	10,793

The increase in the number of registered workers in 1954 was due to the fact that the registration had not been fully completed in 1953 and it continued in 1954. The increase in the number in 1955 was mainly due to further registration of Deck Foremen and Hatch-Foremen. Of the 10,643 workers at the end of 1954, 7,978 were in the reserve pool and 2,665 on the monthly register. As a local improvised arrangement, not provided for in the Scheme, the Winchmen in the reserve pool were further divided into two sub-pools, viz., 'A' pool and 'B' pool. The 'A' pool workers were those who were previously being employed by the Master Stevedores Association and the 'B' pool consisted of the remaining Winchmen who were employed by the stevedores other than those belonging to the Master Stevedores Association. The distinction between 'A' and 'B' pool Winchmen has been abolished since May 1955 and both the pools have been formed into one pool.

In December, 1953 registered employers were allowed to lift workers from the Pool for the Monthly Register. The lifting of monthly workers started from the 22nd December, 1953 and continued till the 24th April, 1954. The basis of lifting of monthly gangs was laid down by the Board at its meeting held on the 12/13th August, 1953, according to which each stevedore was given the option to select monthly gangs from amongst those gangs which were on his register before the implementation of the Scheme. The details of various categories of workers on the registers at the end of 1954 are given below:—

Category of workers		Number of workers on register at the end of 1954
<hr/>		
1. <i>Gang workers —</i>		
Pool	. . . . .	7,168
Monthly	. . . . .	2,499
2. <i>Winchmen —</i>		
Pool 'A' Pool	. . . . .	347
'B' Pool	. . . . .	326
Monthly	. . . . .	166
3. <i>Deck Foremen—</i>		
Pool	. . . . .	25
4. <i>Hatch Foremen—</i>		
Pool	. . . . .	112
TOTAL		10,643

The details of various categories of workers on the registers on 30th June, 1955 are indicated below:—

Category of workers	Number of workers on register at the end of June, 1955
1. <i>Gang workers</i> —	
Pool	6,998
Monthly	2,451
Unattached registered pool workers not in gangs	105
2. <i>Winchmen</i> —	
Pool	687
Monthly	107
3. <i>Hatch Foremen</i> —	
Pool	170*
Monthly	165
4. <i>Deck Foremen</i> —	
Pool	28
Monthly	82

249. There are a number of incomplete gangs and at the end of June 1955 out of a total of 1,104 gangs (824 pool gangs and 280 monthly gangs), the number of incomplete gangs was 334 (285 pool and 49 monthly) and the following number of vacancies existed in respect of various categories in those incomplete gangs.

Category	Pool gangs	Monthly gangs
Sirdars	45	3
Mates	37	5
Kamalias	145	26
Rolias	191	35
TOTAL	418	69†

Shift Working

250. Prior to 25th April, 1955, the stevedoring work at the Calcutta Port was being done in two shifts as mentioned below:—

- (i) Day Shift 7 A.M. to 4 P.M. with one hour's break from 11 to 12 noon.
Total working hours—8.
- (ii) Night shift 7 P.M. to 3 A.M. with no break.
Total working hours—8.

From 25th April, 1955, the following three shifts were introduced:—

- (i) Day shift 7 A.M. to 4 P.M. with one hour's break from 11 to 12 noon.
Total working hours—8.
- (ii) Evening shift 4 P.M. to 11 P.M. with no break.
Total working hours—7.
- (iii) Night shift 11 P.M. to 7 A.M. with no break.
Total working hours—8.

* This includes 31 sirdars who are unattached to gangs (and not shown in the number of sirdars above) and are being employed as Hatch Foremen.

† The figures relating to vacancies in monthly gangs are based on information supplied by employers.

The above timings have been changed from 27th June 1955 and the present timings are as follows:—

- (i) Day shift . 6-30 A.M. to 3-30 P.M. with one hour's break from 10-30 A.M. to 11-30 A.M.
Total working hours—8.
- (ii) Afternoon shift . 3-30 P.M. to 10-30 P.M. with no break.
Total working hours—7.
- (iii) Night shift . 10-30 P.M. to 6-30 A.M. with no break.
Total working hours—8.

The third shift is optional and limited as directed by Docks Manager, Calcutta Port Commissioners.

The Board at its meeting held on the 14th April, 1955 decided that the existing practice of workers being allowed time off to take meals in rotation and without interrupting work should continue in the second and third shifts, i.e., afternoon and night shifts.

The Board at its meeting held on the 4th January, 1955 decided that no worker should work for more than one shift a day. Due to there being shortage of winchmen, this decision could not be rigidly enforced. Up to the present the demands for winchmen can only be met by resorting frequently to double booking. Apart from winchmen, some of the gang workers who work as substitutes in casual vacancies have to work on more than one shift a day.

Method of Booking

251. All categories of registered workers are booked by the Dock Labour Board on the basis of requisitions sent by the registered employers. All requisitions are received at the Call-Stand for the afternoon and night shifts up to 1 P.M. daily. Booking for the afternoon shift commences at 1-30 P.M. and is completed by 2-30 P.M. Booking for the night shift commences at 2-30 P.M. and is completed by 3-00 P.M. For the day shift of the following day, requisitions are received up to 3-30 P.M. Booking starts at 4-15 P.M. and finishes by 5-15 P.M. The principles of rotational booking is strictly observed for all categories of workers excepting in the case of substitutes.

- (i) *Gangs*—Allocation charts are delivered to counter clerks for booking. Each Sirdar or Mate or in the absence of Sirdar and Mate, Kamalia I presents himself at the counter with the entire gang's Identity Cards to receive booking. The counter clerk after checking up all the cards and recording substitutes, if there be any, hands back the Identity Cards with the booking slips which bear the name of the vessel, berth number and the stevedore under whom they are booked for work for that shift.
- (ii) *Winchmen*—Procedure of booking insofar as allocation is concerned is the same. Each winchman, whose serial number is announced, presents himself at the counter and surrenders his Identity Card. The counter clerk on checking up the Identity Card, issues a booking slip which bears the name of the vessel, berth number and the stevedore for whom he is booked.

- (iii) *Deck Foremen and Hatch Foremen*—The procedure of booking is the same as in the case of winchmen.
- (iv) *Substitutes*—Substitutes for the pool gangs are not supplied by the Dock Labour Board. The Sirdar or the ratings who are deputed by the former to receive booking, have the discretion to pick up the substitutes for their respective gangs. Generally, the Ghatu (extra casual labour enlisted by the Board) and the registered ratings of other gangs which are not booked for the particular shift avail of the substitute bookings.

Substitutes are booked when required by registered employer to fill up vacancies in monthly gangs. Requisitions for the purpose are to be submitted with details of vacancies and number of workers required for each category. Although the registered employers should ask the Dock Labour Board to supply substitutes for vacancies in the monthly gangs, the Board reports that up to the end of May 1955 only two Stevedores, out of 10, having monthly gangs, were sending requisitions for substitutes to the Board. It was not known to the Board how the other 8 Stevedores were obtaining substitutes for casual vacancies in their monthly gangs.

Employment of Registered workers

252. The employment statistics maintained at Calcutta show the employment of a gang as a unit and not of each individual member of the gang. The following table shows the details of employment of various categories of workers for the year 1954:—

EMPLOYMENT OF STEVEDORE WORKERS

Number of bookings per worker per month.

Month	Gang		Winchmen		Deck Foremen	Hatch Foremen
	Pool	Monthly	Pool	Monthly	(Pool)	(Pool)
			A	B		
1954						
January	8.1	..	20.7	8.4	..	..
February	7.3	..	18.8	8.4	..	..
March	6.4	..	18.6	7.6	..	..
April	5.3	..	21.6	7.9	..	..
May	7.9	..	17.8	11.3	..	..
June	6.8	14.0	18.1	12.0	11.5	..
July	10.9	13.6	21.5	22.4	19.3	..
August	10.0	16.0	22.6	19.8	17.3	..
September	12.5	16.0	23.8	26.5	17.3	..
October	11.7	16.2	20.4	21.8	16.8	..
November	12.0	16.0	20.8	27.3	16.2	14.7
December	12.0	16.3	23.5	30.4	11.7	18.4
*Average	9.26	15.44†	20.67	16.98	15.71†	16.55‡

*Average of monthly averages.

†Average of figures from June to December, 1954.

‡Average of figures for November and December, 1954.

Pool of deck foremen and hatch foremen started functioning at the end of October 1954 *vide* Board's Resolution dated the 14th October, 1954.

It will be seen that a gang worker in the reserve pool on an average got only 9 bookings a month, the highest average reached by him was 12.5 in September, the lowest being 5.3 in April. The monthly average for the pool winchmen was, however, appreciably higher, being 20.67 in the case of 'A' Pool and 16.98 in the case of 'B' Pool. The average employment of monthly gang workers, though better than that of the pool workers, never went beyond 16.3 days. The average employment of monthly winchmen was lower than that of the pool winchmen.

The employment of gang workers has been rather low and in a number of cases below the guaranteed minimum employment. The frequency of bookings of individual workers in the gangs, has, however, been higher than the average for the gangs as unit because individual workers of gangs obtain bookings as substitutes in other gangs on days when their own gangs are not booked. The figures of frequency of individual bookings are not available but the Dock Labour Board has supplied the following figures of the average bookings for individual workers in gangs on the basis of a sample survey.

NUMBER OF BOOKINGS PER WORKER PER MONTH

January to June, 1955

	January	February	March	April	May	June
Sirdar . . .	9.83	8.99	10.20	12.30	15.97	12.36
Mate . . .	17.56	13.91	13.03	15.50	19.76	15.08
Kamalia I . .	15.59	14.75	12.86	18.00	21.51	17.00
Kamalia II . .	16.42	13.71	13.33	14.90	20.23	16.53
Kamalia III . .	14.67	12.76	12.93	17.94	21.85	16.14
Kamalia IV . .	14.06	14.99	13.43	19.35	21.05	16.37
Rolia I . . .	15.78	14.53	12.56	17.25	21.06	16.63
Rolia II . . .	14.69	14.21	12.98	17.21	20.30	15.43
Rolia III . . .	14.56	13.30	12.81	16.82	22.23	16.17

Even the above figures show that the gang workers are not fully employed.

253. The employment of winchmen in Pool 'B' was nearly full towards the end of 1954. In fact, some winchmen have been working for more than one shift a day as will be seen from the frequency

table given below:—

FREQUENCY OF BOOKINGS

Number of bookings obtained in a month	Number of Pool winchmen obtaining the number of bookings mentioned in Col. (1) during 1954	
	'A' Pool (2)	'B' Pool (3)
(1)		
Less than 6	197	96
6—11	245	1,340
12—17	311	608
18—23	1,555	372
24—29	652	639
30—35	279	290
36—41	37	174
Above 41 . . . . .	..	123*
Average number of bookings per worker per month	21	17

Though the average winchmen in the 'A' Pool obtained 21 bookings a month, 29·5 per cent. of the workers obtained 24 to 41 bookings a month. 13·5% of workers obtained less than 12 bookings a month and thus became entitled to minimum guarantee. In the case of 'B' Pool winchmen, 43·9% of workers obtained bookings ranging from 18 to 53 bookings, though the average booking per month during 1954 was only 17; 38·4% of the workers obtained less than 12 bookings a month. An overall shortage of winchmen has, however, been frequently experienced. There are, however, 170 winchmen registered with the local Employment Exchange and they are booked when no registered winchmen are available. All these men have qualified at trade tests held on board ships. The Board at its meeting, held on the 14th April, 1955, decided to increase the number of registered winchmen and to call for applications from registered workers for the posts. Only 9 applications were received. As there was an acute shortage of winchmen, it was decided by the Chairman and the Vice-Chairman as a temporary expedient to recruit men through the Employment Exchange on a purely casual day-to-day basis.

Employment of Unregistered Workers

254. Apart from the registered workers, there are approximately 300 unregistered workers called Ghatus who are employed as substitutes in casual vacancies in the regular gangs on a day-to-day basis as and when required. The total number of man-shifts for which the Ghatu workers were employed during the year 1954 was 44,580 and their employment amounted to about 5% of the total employment of stevedore workers in pool gangs.

Absenteeism

255. The Calcutta Dock Labour Board has supplied statistics of absenteeism for the period from January, 1955 to June, 1955, and they are reproduced below. It will be seen from the statement that on an average the percentage of absenteeism was 33·8 in the case

* Upto 53 bookings.

of gangs, 21·5 in the case of winchmen, 11·5 in the case of hatch-foremen and the percentage of absenteeism was least—namely 0·15—in the case of deckforemen.

ABSENTEEISM OF STEVEDORE WORKERS

(Percentage)

Months	Gangs	Winchmen	Deck-foremen	Hatch-foremen
	%	%	%	%
January 1955	37·7	19·7	..	..
February „	36·0	23·2	..	..
March „	38·6	23·4	0·08	8·0
April „	39·6	25·0	0·3	19·0
May „	27·0	18·4	0·1	8·8
June „	24·0	18·2	0·1	10·3
Average	33·8	21·5	0·15	11·5

Voluntary Retirement

256. A Scheme of voluntary retirement of workers had also been evolved by the Calcutta Dock Labour Board at the 15th meeting held on the 11th May 1954 when it passed the following Resolution:—

- “(1) That a Scheme for voluntary retirement on the following scales be introduced and be limited to 1,000 workers in the first instance. In dealing with the applications preference be given to Sirdars, Mates and Winchmen till the figure of 500 was reached.

	Rs.
Sirdar	2,000
Mate	1,600
Senior Kamalia	1,300
Junior Kamalia	1,200
Rolia	1,000

- (2) That applications be invited during a period of three months viz., during the months of July, August and September 1954 and that they be carefully scrutinised before granting any compensation.

- (3) That no compensation be paid to any worker whose registration has been cancelled as a result of scrutiny of registration.
- (4) That the Dock Labour Board shall accept liability, as a special case, for the amount involved and that the Chairman be authorised by the Board to approach Government and negotiate the terms of the necessary loan. During the next three months the levy be retained at the existing level".

In accordance with the Resolution quoted above, three months, viz., July, August and September, 1954, were given to workers to avail themselves of the voluntary retirement scheme. The last date for receiving the applications by the Board for this purpose was fixed as 30th September, 1954. 265 applications were received by the stipulated date and after scrutiny 128 applications were approved till the end of March, 1955, when 137 applications remained pending consideration. Up to 23rd February, 1955 retirement with these benefits had been granted to 92 workers. 50 applications were received after the prescribed date. Of this, two cases, one suffering from Leprosy and the other from Tuberculosis were specially sanctioned.

257. At a meeting of the Dock Labour Board held on 14th October, 1954, the Chairman of the Board stated that "the expectation that a large number of workers would avail of the offer had not materialised". An extract from the proceedings of this meeting is quoted below:—

"Shri K. Mitter stated the primary consideration which had led the Board to adopt a Scheme for voluntary retirement was the necessity of reducing the surplus of stevedore workers. During the early part of the year the Board had spent large sums of money in order to make up the minimum guaranteed wages to workers as provided for under the Scheme. There had, however, been a marked increase in the volume of work available as would be borne out by the fact that the Board had only to incur an expenditure of Rs. 6,000 by way of minimum guarantee for the month of September. He, therefore, proposed that the applications for voluntary retirement should be carefully scrutinised by the Port Commissioners' Officers deputed for the purpose before any compensation is paid. Furthermore, while dealing with these applications, preference should be given to those workers over 50 years of age as well as to Sirdars and Mates.

Resolution No. 45—The Board accepted the proposal of Shri K. Mitter."

Wages

258. The Calcutta Dock Labour Board had prescribed the following wage rates:—

(i) RESERVE POOL

Category	Rates of wages			TOTAL
	Basic per shift	Dearness per shift	Allowance per shift	
	Rs. as. p.	Rs. as. p.		Rs. as. p.
Sirdar . . . Day .	5 0 0	3 4 0		8 4 0
Night .	5 13 0	3 4 0		9 1 0
Mate . . . Day .	3 0 0	3 4 0		6 4 0
Night .	3 9 0	3 4 0		6 13 0
Kamalias I and II . Day .	2 8 0	3 4 0		5 12 0
Night .	2 15 0	3 4 0		6 3 0
Kamalias III and IV Day .	2 1 0	3 4 0		5 5 0
Night .	2 7 0	3 4 0		5 11 0
Rolias I and II . Day .	1 9 0	3 4 0		4 13 0
Night .	1 15 0	3 4 0		5 3 0
Rolia III . . Day .	1 8 0	3 4 0		4 12 0
Night .	1 12 0	3 4 0		5 0 0
Winchman . . Day .	2 8 0	3 4 0		5 12 0
Night .	3 8 0	3 4 0		6 12 0
Deck-Foreman . Day .	8 0 0	3 4 0		11 4 0
Night .	9 0 0	3 4 0		12 4 0
Hatch-Foreman . Day .	5 0 0	3 4 0		8 4 0
Night .	6 0 0	3 4 0		9 4 0

(ii) MONTHLY WORKERS

Category	Wages per month		
	Basic pay	Dearness Allowance	Total
	Rs.	Rs.	Rs.
Sirdar	100	55	155
Mate	80	55	135
Kamalia I	70	55	125
Kamalia II	70	55	125
Kamalia III	60	55	115
Kamalia IV	60	55	115
Rolia I	58	55	113
Rolia II	55	55	110
Rolia III	55	55	110
Winchman	80	55	135
Deck Foreman	215 (inclusive of D.A.)		215
Hatch Foreman	160 (inclusive of D.A.)		160

The wages for monthly workers for different categories were not based on a common multiple of the daily rate for the pool workers. The basic monthly pay of a Sirdar was about twenty times the daily basic wage of a pool Sirdar whereas the monthly pay of a Rolia was more than thirty times. In the light of the increases granted to the monthly workers at Bombay, the wages of the monthly workers at Calcutta have been increased with effect from 1st June 1955, to the following:—

	Rs.
Sirdar	210
Mate	170
Kamalias I & II	160
Kamalias III & IV	145
Rolias I & II	143
Rolia III	140
Winchman	170

The wages of Deck Foremen and Hatch Foremen have been fixed by the Board at its meeting held on the 10th June, 1955, as follows:—

Deck Foremen	A minimum of Rs. 275/- per month inclusive of Dearness Allowance.
Hatch Foremen	A minimum of Rs. 215/- per month inclusive of Dearness Allowance.

Holiday Wages—The total emoluments for work on holidays are double the total emoluments for work on ordinary days both for pool and monthly workers.

Guaranteed Minimum Wage.

259. The minimum guarantee is for 12 days in a month. A number of workers in the gangs failed to secure the guaranteed minimum employment and the difference in their actual earnings and the wages for 12 days had, therefore, to be made good. The following figures show the amounts paid to make up the minimum guarantee from October, 1953 (commencement of operation of the Scheme) to June, 1955.

Period		Minimum guarantee paid
		Rs. as. p.
October	1953 . . . . .	..
November	„	37,102 12 0
December	„	29,452 13 0
January	1954	1,44,059 9 0
February	„	1,58,308 11 0
March	„	1,98,368 12 0
April	„	2,06,887 9 0
May	„	1,06,742 9 0
June	„	77,569 11 3

Period		Minimum guarantee paid		
		Rs.	as.	p.
July	1954	31,680	15	0
August	"	50,544	13	0
September	"	7,872	11	0
October	"	30,612	9	0
November	"	9,416	2	0
December	"	11,667	8	0
January	1955	4,503	3	0
February	"	7,295	9	0
March	"	12,798	14	0
April	"	1,345	4	0
May	"	271	6	0
June	"	901	7	0
TOTAL		11,27,402	11	0

Disappointment Money

260. Although, as per Clause 26 of the Scheme, a worker is entitled to 'disappointment money' equivalent to half the daily wage (inclusive of dearness allowance) if relieved within two hours of his attending work, there is a special agreement between the employers and the workers at Calcutta according to which a worker is paid 12 annas plus his usual attendance money if he is relieved before the commencement of the shift, and the full wage if relieved after the commencement of the shift.

Overtime

261. Upto 25th April, 1955, overtime used to be worked on finishing vessels if required. Maximum hours of overtime permitted were, day shift—4 P.M. to 7 P.M., night shift—3 A.M. to 7 A.M. After the introduction of three-shift system with effect from 25th April, 1955, however, overtime work is not being worked.

The overtime rates per hour are as follows:—

		Rate of overtime per hour		
		Rs.	as.	p.
Sirdar	Day	2	1	0
	Night	2	4	0
Mate	Day	1	9	0
	Night	1	11	0
Kamalias I and II	Day	1	7	0
	Night	1	9	0
Kamalias III and IV	Day	1	5	0
	Night	1	6	6
Rolias I and II	Day	1	3	6
	Night	1	5	0
Rolias III	Day	1	3	0
	Night	1	4	0

Winchman . .	Day .	1	7	0
	Night .	1	11	0
Deck Foreman . .	Day .	2	13	0
	Night .	3	1	0
Hatch Foreman . .	Day .	2	1	0
	Night .	2	5	0

Leave and Holidays

262. Monthly and pool workers are allowed the same leave benefits which are as under:—

I. Paid Leave

- (a) *Privilege leave* equivalent to one-twentieth of the number of days attended.
- (b) *Casual Leave* 7 days in a year.
- (c) *Sick Leave* 10 days in a year.

II. *Unpaid leave*.—A worker can get four months' leave without pay in a year.

III. *Weekly Off*.—The monthly workers are entitled to a weekly off but no weekly off is given to reserve pool workers.

IV. *Holidays*.—There are 19 holidays in a year. Normal working, however, is carried on on holidays and is paid at double the ordinary rates.

Wage Bill

263. The wage bill of the reserve pool workers during the calendar years 1953 and 1954 was as under:—

1953	23.99 lakhs
1954	93.87 lakhs

The break-up of the wage bill of the reserve pool workers for these two years under various items of wages is given below:—

	1953 October—December		1954	
	Rs. (in lakhs)	Percentage to the total	Rs (in lakhs)	Percentage to the total
Wages including D.A. and overtime	20.64	86.04	61.18	65.18
Guaranteed minimum wages . . . . .	.67	2.79	10.32	11.00
Attendance wages	2.68	11.17	11.17	11.90
Disappointment money . . . . .	..	..	.35	.37
Leave allowance or salary . . . . .	..	..	10.85	11.55
TOTAL	23.99	100.0	93.87	100.0

Levy

264. The registered employers are required to pay as levy to the Dock Labour Board a percentage of the total wage bill of the reserve pool as well as monthly workers in order to enable it to defray other expenses incurred under the Scheme. The levy has varied from time to time as shown below:—

From 1st April, 1953 to 31st October, 1953	The levy was recovered at the rate of half anna per ton of tonnage handled.
From 1st November, 1953 to 30th November, 1953.	15% of gross wages paid to pool workers.
From 1st December, 1953 to 31st January, 1954.	40% of gross wages paid to monthly and pool workers.
From 1st February, 1954 to 31st March, 1954.	100% of gross wages paid to monthly and pool workers.
From 1st April, 1954 to 31st August, 1954	80% of gross wages paid to monthly and pool workers.
From 1st September, 1954 to 31st May, 1955.	50% of gross wages of both monthly and pool workers subject to the condition that the Board would reimburse to the Stevedore the expenses incurred by him in the shape of leave and provident fund benefits to monthly workers from the date the same benefits were extended to the pool workers.
From 1st June, 1955 to 30th June, 1955	40% of gross wages of monthly workers—levy on pool workers unaffected.
From 1st July, 1955	35% of gross wages for both pool and monthly workers. A further rebate of 10% will be allowed in respect of wages of monthly workers after the Board has investigated certain items of cost.

Training Facilities, amenities and other welfare measures for stevedore workers.

265. (i) *Training*.—There are no training facilities for stevedore workers at Calcutta.

(ii) *Housing*.—Dock Labour Board has a Housing Scheme for the workers. The Board proposes to provide quarters for registered stevedore workers in phases. In the first phase, it is proposed to construct 1008 units (42 blocks) and 4008 units (167 blocks) in the final phase making a total of 5016 units (209 blocks).

(iii) *Other Welfare Measures*.—The facilities regarding welfare and other amenities are common with shore workers. The Calcutta Port Commissioners are to provide amenities on shore for all workers. In regard to health, the Board has approved the construction of a hospital comprising 50 to 60 beds in the first phase and 150 beds in the final phase. At present a dispensary is being run by the Master Stevedores Association for the benefit of the stevedore workers.

Provident Fund

266. There is no provision for the benefits of gratuity at Calcutta as in Bombay. A Provident Fund Scheme has been introduced in

Calcutta with effect from 1st April, 1955 on the lines of the Provident Fund Rules at Bombay.

Income and Expenditure of the Board

267. The Dock Labour Board derives its income from the levy and registration fees and its main items of expenditure are administrative and establishment expenses of the Board, minimum guarantee, attendance allowance, leave salary of workers and dis-appointment money. The details of income and expenditure upto 31st March, 1955 are shown in the statement below:—

INCOME AND EXPENDITURE

Income (in thousands of rupees)			Expenditure (in thousands of rupees)						
Levy	Others		Adm. & estab- lish- ment	Mini- mum Gua- rantee	Atten- dance allow- ance	Leave Salary to workers	Dis- appoint- ment money	Others	Total
Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1953-54	1979.2	9.0	508.2	877.3*	..	..	..	..	1385.5
1954-55									
April	493.8	..	47.6	206.5	103.6	..	1.2	..	358.9
May	568.2	..	61.6	106.1	87.1	65.3	1.0	..	321.1
June	639.2	..	52.6	114.6	78.6	46.9	1.2	..	293.9
July	711.0	..	96.2	32.6	75.3	68.4	1.7	..	274.2
August	691.5	..	52.6	48.9	83.1	65.2	1.5	..	251.3
Sept.	511.0	..	64.8	6.1	69.1	48.0	2.1	..	190.1
Oct.	508.4	..	60.1	29.6	101.4	50.2	1.9	1.3	244.5
Nov.	547.7	..	77.6	6.8	59.3	411.5	1.8	0.4	557.4
Dec.	574.6	0.5	85.3	66.1	..	350.1	1.7	0.6	503.8
Jan.	639.7	..	133.1	67.4*	..	215.4	1.4	0.4	417.7
Feb.	416.7	..	178.2	67.1*	..	188.3	1.0	0.3	434.9
Mar.	529.6	..	143.7	87.1*	..	193.5	1.7	0.4	426.4
TOTAL	6831.4	0.5	1053.4	838.9	657.5	1702.8	18.2	3.4	4274.2

The surplus of income over expenditure on 31st March, 1955 was Rs. 22,19,945/-.

Offences committed by the workers under the Scheme and action taken by the Special Officer.

268. A statement supplied by the Dock Labour Board shows that 1396 complaints involving 18,059 workers were received by the Special Officer during the twelve months ending May, 1955. No

* Includes attendance allowance also.

action was taken against 11,882 workers as the charges against them were not established but action was taken against the rest 1645 workers as follows:—

Suspension	..	155
Disentitlement of wages	..	310
Warnings	..	1,091
Dismissal	..	29
Others	..	60
Total	..	1,645

105 complaints against workers were dismissed by the Special Officer during the twelve months ending May, 1955 due to non-attendance of witnesses.

In Calcutta there were 1,081 complaints during the 11 months ending April, 1955. Of these complaints 311 (i.e. 28·8% of the total) were disposed of within 7 days or less, 224 (i.e. 20·7%) within 8 to 15 days, 287 (i.e. 26·5%) within 16 to 30 days and 259 (i.e. 24%) took more than a month to dispose of.

Offences committed by the employers and action taken by the Special Officer.

269. The main complaint against some of the employers was employment of unregistered workers. During the seven months ending January, 1955, a note of warning was issued to 12 employers and in one case the Special Officer recommended that the name of the employer should be removed from the Employers' Register. This employer was ultimately censured by the Board.

Transfers, promotions and filling up of posts

270. These matters are covered by clauses 14 and 22 of the Scheme. There have been no permanent promotions in the monthly register. From January to June, 1954 there have been 249 promotions in the pool gangs. Since July, 1954 no promotion on a permanent basis has been permitted. The question of promotion is still under consideration of the Board.

Appeals to Appeal Tribunal

271. Many of the cases decided by the Special Officer were taken to the Appeal Tribunal by the workers. During the calendar year 1954 there were 13 cases of appeals made by the workers to the Appeal Tribunal, five of which were allowed in part and seven allowed in full and one appeal was disallowed.

During the period January to June, 1955 there were 38 appeals made to Appeal Tribunal against the orders of the Special Officer, of which 34 were allowed in full, one allowed in part and three appeals were disallowed.

Adjudication

272. From the time that the Calcutta Dock Labour Board came into operation, there have been two cases of dispute which went to the Industrial Tribunal for adjudication. In neither of these two cases, however, the Dock Labour Board was a party. The first case was actually decided by the Labour Appellate Tribunal of India at Gauhati on 12th March, 1954, when this Tribunal reversed the

decision which had previously been given by the Industrial Tribunal on the 18th November, 1952. The parties were Master Stevedores Association and their workmen represented by Dock Mazdoor Union. The second case was decided on the 4th September, 1954, by the Industrial Tribunal and the contestants were Messrs Butterworth and Farmer and eighteen other stevedore firms on one side and their workmen represented by the Dock Mazdoor Union on the other side. In both the cases, the disputes arose out of the interpretation of certain clauses of the Expert Committee's decisions.

273. Apart from these disputes, some cases have been referred to the High Court. In one case, an application was filed before the High Court by some workers challenging the validity of the directives of the Board according to which certain gangs had been transferred to the monthly register. The Board's decision was, however, upheld by the Court. In another case, the reorganisation of gangs in terms of settlement arrived at between the employers and Union representatives in May, 1954 at Delhi, has been challenged by some workers and as a result, the appointment of this officer and reorganisation of gangs has been given up.

SECTION III—MADRAS

Administrative Body

274. The Madras Stevedores Association works as the Administrative Body under the Scheme and carries on the day-to-day administration. The Executive Officer of this Body is called the Administrative Officer. The pay scale of the Administrative Officer is Rs. 275-20-475. The present incumbent has been working since the commencement of the operation of the Scheme. He is a graduate and had previous experience of dealing with labour in other spheres, but he had no experience of dock work before.

Special Officer

275. The Special Officer whose scale of pay is Rs. 350-25-500-30-560, apart from performing the duties of the Special Officer, as prescribed in the Scheme, also works as Secretary of the Dock Labour Board. The present incumbent has filled the post from the inception of the Scheme. He is a Master of Arts and had previous experience of dealing with labour matters, but he had no experience of dealing with dock work.

Inspectors

276. No Inspectors have so far been appointed.

Registration of Employers

277. The first of October, 1953 was fixed as the date by which the employers should get themselves registered. All the 13 Stevedores who had been licensed by Madras Port Trust to carry out stevedoring work and had worked as Stevedores at any time during the preceding two years, were, on application, registered as employers under the Scheme. Each Stevedore is required to maintain as monthly workers 4 Supervisors, 5 Tindals and 6 Winchmen, as prescribed by the Madras Port Trust.

Registration of Workers

278. In pursuance of clause 13 of the Madras Dock Workers (Regulation of Employment) Scheme, the Dock Labour Board appointed a Registration Committee of six members to carry out initial registration of stevedore workers. According to clause 13(1) of the Scheme, any dock worker who immediately before the coming into force of the Scheme was in the employment of any employer to whom the Scheme applies, was eligible for registration. The Board in one of its Resolutions clarified 'employed immediately before the coming into force of the Scheme' to mean 'employed on any day during the period of one month prior to the 14th July, 1953', the date of the constitution of the Board, or in other words, if a dock worker had been so employed on any day from the 14th June, 1953 to 13th July, 1953, he was eligible for registration. The Registration Committee called for applications in a prescribed form by advertising in four local language papers. Applicants were advised by printed post cards in Tamil and Telugu to appear before the Committee on specified dates and to bring with them necessary proofs of employment. As many as 2,111 applications were received by the Registration Committee, who after scrutinising them and interviewing the applicants, where necessary, in order to verify their prior employment, registered 1,381 workers. Of the remaining applications 380 were rejected for being not in order and 69 were duplicates, 281 applicants remained absent and did not respond to the call. The employers were requested to produce documentary proof indicating employment of workers, which some of them could not produce.

Categories of workers registered

279. The Schedule attached to the Scheme for Madras included the following categories of stevedore workers:—

- (1) Foreman (Serang).
- (2) Tindal.
- (3) Winchman.
- (4) Stevedore Workers.

Workers under all these four categories were registered.

Duties of Workers.

280. A Foreman or a Serang is responsible for overall supervision of the work of two or more tindals and their gangs. The Tindals, Stevedore Workers (Mazdoors) and Winchmen's duties correspond to the duties of their counterparts in other Ports. One of the Mazdoors also works as signalman, corresponding to the Hatch Foreman at Bombay and the junior most Rolia at Calcutta.

Gang Formation

281. There are no permanent gangs but stevedore workers at worksite are grouped to work in gangs which normally consist of:—

- 1 Tindal.
- 2 Winchmen.
- 9 Mazdoors.

The composition, however, is not rigid and may sometimes vary with different employers and according to the type of cargo handled.

Number of Registered Workers

282. By the end of January, 1955, there were 1390 registered workers of whom 1,066 were in the reserve pool and 324 on the monthly register. Their division by different categories was as under:—

Category of workers	No. of workers on register	
	Pool	Monthly
Foremen . . . . .	..	13
Tindals	9	136
Winchmen	93	163
Stevedore workers	964	12
TOTAL	1,066	324 = 1,390

Shift Working

283. Two shifts, as mentioned below, work in Madras Port:—

- (1) *Day Shift*.—From 7-15 A.M. to 4-15 P.M. with one hour's recess from 12 noon to 1 P.M. Total working hours—8.
- (2) *Night Shift*.—From 4-45 P.M. to 1-45 A.M. with one hour's recess from 9 P.M. to 10 P.M. Total working hours—8.

Method of Booking

284. The workers are divided into two groups—one working for the day shift and the other for the night shift. The two groups interchange weekly. The booking is done for each individual worker and not gangwise and employment is provided in rotation. Indents from employers for the night shift are received by mid-day and for the morning shift by 5 P.M. of the previous day. Booking for the morning shift starts at 6-30 A.M. and for the night shift at 3-30 P.M. at the call stand. Representatives of registered employers collect the men and book them from the call stand.

After the booking is finished and the workers have been allotted to various employers, the first 20 mazdoors, 4 winchmen and 2 tindals of the remaining men on attendance at the call stand are kept in the Administrative Body's office as a waiting gang for an hour after the commencement of each shift to meet any emergency demand. The remainder are returned and their cards are stamped attended. Workers in the waiting gang are also sent away after an hour if they are not required by then. Their cards are similarly stamped.

Employment of Registered Workers

285. The following table gives the average employment category-wise month by month from August 1954 to March, 1955:—

AVERAGE NUMBER OF BOOKINGS PER WORKER PER MONTH

Year and month	Foremen (monthly)	Tindals		Winchmen		Stevedore workers	
		Pool	Monthly	Pool	Monthly	Pool	Monthly
1954							
August	10	15	6	12	6	14	9
September	11	13	9	13	8	16	14
October	19	14	10	19	8	19	17
November	17	13	12	19	9	18	19
December	10	13	11	18	9	18	14
1955							
January	10	12	10	18	8	20	9
February	13*	14	11*	19	10*	19	14*
March	19*	17	11*	21	12*	21	16*

It will be seen that the average employment of monthly workers is less than that of the pool workers in all categories, and in some cases it is very low. It is understood that this is due to certain firms not being able to provide work for more than three or four days in a month although they have to maintain a certain minimum number of monthly workers as mentioned in para. 277.

The average employment of pool workers also is rather low.

Employment of Unregistered Workers

286. Notwithstanding the fact that the average employment of registered workers is low, occasions have arisen when the day's requirement could not be met by booking of the registered workers available for a shift. On such occasions, unregistered workers, who have Employment Exchange Registration cards, are engaged and during the period from October, 1954, to June, 1955, 8,040 man-shifts were worked by unregistered mazdoors and 361 man-shifts by unregistered winchmen in 136 and 71 shifts respectively out of a total number of 546 shifts. The number of days in which unregistered workers were employed varied from a minimum of 3 days in a month to 18 days in a month.

Absenteeism

287. Absenteeism ranged from almost Nil in the case of Tindals to 0.25% in the case of Winchmen and 0.5% in the case of stevedore workers (mazdoors).

* Figures are approximate as one or two stevedores have not furnished the information.

Wages

288. The wage rates prescribed by the Board are as under:—

(i) RESERVE POOL WORKERS.

Category of workers	Wage per shift	Dearness allowance per shift	Total
	Rs. as. p.	Rs. as. p.	Rs. as. p.
Foreman . . .	2 12 0	1 2 0	3 14 0
Tindal . . .	2 8 0	1 2 0	3 10 0
Winchman . . .	2 8 0	1 2 0	3 10 0
Stevedore worker .	2 4 0	1 2 0	3 6 0

(ii) MONTHLY WORKERS

Category of workers	Wage per month	Dearness allowance per month	Total
	Rs. as. p.	Rs. as. p.	Rs. as. p.
Foreman . . .	50 0 0	22 8 0	72 8 0
Tindal . . .	45 0 0	22 8 0	67 8 0
Winchman . . .	40 0 0	22 8 0	62 8 0
Stevedore worker .	35 0 0	22 8 0	57 8 0

A monthly worker, in addition to the basic wage and dearness allowance, gets Rs. 1/3/- as working allowance on the days he actually works. The average monthly earnings of reserve pool workers have been as follows:—

Year and month	Stevedore worker	Winchman	Tindal
	Rs. as. p.	Rs. as. p.	Rs. as. p.
1954			
August . . .	62 9 0	59 6 0	69 14 0
September . . .	64 8 0	64 10 0	60 11 0
October . . .	76 9 0	82 6 0	72 13 0
November . . .	73 6 0	78 9 0	62 5 0
December . . .	73 3 0	76 8 0	60 1 0
1955			
January . . .	74 13 0	75 12 0	54 11

Overtime

289. (1) Overtime may be worked from 12 NOON to 1 P.M. on a finishing vessel in order to finish the vessel scheduled to sail by 2 P.M. provided that the workers are then released for the day.

(2) Overtime may be worked between 9 P.M. to 10 P.M. on a finishing vessel which is to complete by 11 P.M. provided that the concerned workers then break off for the night.

(3) Overtime may be worked in continuation of the day shift from 4-45 P.M. to 1-45 A.M. only in order to complete a vessel within this time.

(4) Overtime may be worked in continuation of the night shift between 1-45 A.M. and 6 A.M. The rates for overtime payments are as under:—

(i) POOL WORKERS

Category of workers	Overtime allowance per hour for	
	First two hours	Subsequent hours
	Rs. as. p.	Rs. as. p.
Foreman . . .	0 9 0	0 11 0
Tindal . . .	0 9 0	0 11 0
Winchman . . .	0 8 0	0 10 0
Stevedore worker .	0 8 0	0 10 0

(ii) MONTHLY WORKERS

Category of workers	Overtime allowance per hour for	
	First two hours	Subsequent hours
	Rs. as. p.	Rs. as. p.
Foreman . . .	0 9 0	0 11 0
Tindal . . .	0 9 0	0 11 0
Winchman . . .	0 8 0	0 10 0
Stevedore worker .	0 8 0	0 10 0

Leave and Holidays

290. The reserve pool workers enjoy the following leave benefits:—

I. Leave with full pay

- (i) For the first ten years of service number of days calculated at 1/22nd of the period spent on duty. Such leave may be accumulated upto 60 days.

- (ii) For the next ten years number of days calculated at 1/16th of the period spent on duty. Such leave may be accumulated upto 90 days.
- (iii) Thereafter, number of days calculated at 1/11th of the period spent on duty. Such leave may be accumulated upto 120 days.

II. Leave with half pay

Leave on half pay for 15 days for each completed year of service for the first twenty years and thereafter 20 days for each completed year is allowed on medical certificate or on private affairs.

III. Leave not due

Upto 180 days during entire service may be debited to half pay only on medical certificate.

The monthly workers enjoy leave facilities as prescribed by the employers for their other permanent employees which may vary with different employers.

IV. Holidays

Reserve pool workers have no holidays and work normally on Sundays also. They are, however, given unpaid weekly off on a staggered basis. Monthly workers may also work on holidays and Sundays but they are usually given a compensatory leave when there is no ship to work.

Wage Bill

291. The wage bill of the reserve pool workers for the first six months of the operation of the Scheme, viz., upto the end of January, 1955, amounted to Rs. 4.2 lakhs. The break-up was as under:—

	Rs.
Wages	2,30,000
Dearness Allowance	1,20,000
Overtime payment	20,000
Attendance money	44,000
Guaranteed minimum wages	109
Disappointment money	964
TOTAL	4,15,073

Levy

The levy payable by the registered employers to the Dock Labour Board as a percentage of the total wage bill of the reserve pool workers has been as under:—

From 16th August, 1954 to 31st October, 1954.	...	25 per cent.
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From 1st November, 1954 to 30 h
April, 1955

.. 37½ per cent.

From 1st May, 1955 onwards

.. 43½ per cent.

Training facilities, amenities and welfare measures for stevedore workers.

293. No training facilities for any categories of stevedore workers have yet been provided. Some of the welfare facilities, such as canteens, drinking water, etc. etc., which are available to the Madras Port Trust workers, are also available to the stevedore workers. The First Aid facilities available at the Port Trust dispensary have, to some extent, also been made available for stevedore workers. The provision of provident fund facilities and medical facilities for stevedore workers are under consideration of the Board. Some stevedoring firms have provident fund schemes for their monthly employees.

Income and Expenditure of the Board

294. From the inception of the Scheme upto 31st March, 1955, the gross income of the Board including wage contributions by employers and the levy was Rs. 7,39,453/6/3, and the expenditure was Rs. 7,07,104/13/3. There was thus a surplus of Rs. 32,348/9/- of income over expenditure as on 31st March, 1955. The rough details of expenditure were as under:—

	Rs.	as.	p.
(1) Administrative expenditure of the Dock Labour Board	84,615	2	9
(2) Wages of stevedore workers including attendance wage, minimum guarantee, etc., etc.	5,98,547	11	6
(3) Insurance premia for payment under the Workmen's Compensation Act	23,941	15	0
TOTAL	7,07,104	13	3

The payment of insurance premia is a feature prevailing only at Madras Port. Every worker is insured under the Workmen's Compensation Act and the premia are paid by the Dock Labour Board.

Offences committed by the workers under the Scheme and action taken by the Special Officer.

295. During the 8 months ending March, 1955, 504 complaints involving 1,065 workers were received by the Special Officer, the complainants being mainly the employers or the Administrative Body. Of the 1,065 workers, 375 workers were punished and 690 workers were not punished as guilt was not established in these cases. Of the total complaints, 429 involving 502 workers related to absence from duty and of these 225 workers were punished and no action was taken against the rest as they were not found guilty. There were 17 cases of insubordination involving 428 workers of whom 91 were found guilty and punished and the rest found not

guilty. The nature of punishment awarded to the workers was as follows:—

Nature of punishment	No. of workers punished
1. Suspension	9
2. Disentitlement to wages	56
3. Warning only	125
4. Warning and disentitlement to wages	178
5. Suspension and disentitlement to wages	2
6. Dismissal	5
TOTAL	375

During the period August, 1954, to January, 1955, there were six complaints made by workers against workers. Of these five related to disorderly behaviour and one to impersonation. The Special Officer has given an analysis of the time taken for disposing of complaints for the month of March, 1955. The analysis shows, that of the 12 complaints disposed of during this month, seven were disposed of within a week, two within a fortnight, one within a month and two after a month.

Complaints against Employers

296. There were 40 complaints by workers against employers during the period August, 1954 to March 1955. They generally related to employment of unregistered workers, non-payment of wages and overtime allowance and accidents etc. etc. In one case a complaint regarding the employment of unregistered worker by an employer was made by the Administrative Body and the employer concerned was warned. Out of the 40 cases, mentioned above, warning to employers was issued in 2 cases. A number of the remaining cases related to non-payment of wages etc. and payment was arranged wherever it was due.

Appeals and Adjudication

297. In Madras no case was preferred to the Appeal Tribunal under the Scheme or to any other Industrial Tribunal.

CHAPTER III

EFFECTS OF THE SCHEMES

301. Prior to the introduction of any Scheme for the decasualisation of dock labour, a dock worker in Bombay, Calcutta and Madras ports had no security of livelihood as his day-to-day employment depended not only upon the volume of work available in the Docks but also on the whim and caprice of the employer and the middleman through whom he secured his employment. He could not even be sure of receiving the full amount of wages which the employer paid to the middleman for the services rendered by him. Even in the determination of wages the workers could not have a strong voice as they were picked up from a free market in which the supply was invariably plentiful. The employers had no necessity to go through any disciplinary procedure against delinquents as they could get rid of them by just not offering them employment.

302. The Decasualisation Schemes with their objective 'to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work' brought in a fund of benefits for workers by confining the daily employment to registered workers only with guaranteed minimum wages and attendance allowance etc. etc. Their introduction was, therefore, hailed by them, as would be obvious from some of the depositions made by representatives of workers before the Committee. A spokesman of a Union stated "this is practically a new life that has come up among the dock workers in all those three Ports of India".

303. The objective of the Scheme, as stated above, has in fact a humanitarian as well as a utilitarian approach. The workers naturally were attracted by the humanitarian or the social welfare aspect and became enthusiastic about the Schemes. The employers, generally, though not unsympathetic towards the social welfare aspect, were dubious about the merits of the Schemes from the utilitarian or efficiency point of view. It would appear that the angles from which the workers and the employers viewed these Schemes became more and more divergent as time went by, and each party felt aggrieved if any act of omission or commission on the part of the other party did not fit in with its view point.

304. In Bombay, the Scheme was implemented with effect from 1st February, 1952, and a somewhat major dispute between the workers and the employers started from that very day. In accordance with the past practice, the pool workers were required by the Board to come for taking booking half an hour before the commencement of the shift, but the workers refused to do so and started coming for booking half an hour later, i.e., exactly at the time of the commencement of the shift. The Bombay Stevedores Association, reported this to the Chief Labour Commissioner on the second of February, 1952. The dispute eventually went to the Industrial

Tribunal which awarded that the workers should report as prescribed by the Board i.e. half an hour before the commencement of the shift.

305. In September-October, 1953, complaints were received by the Government from the Bombay Stevedores Association, and the Shipping Companies regarding the growth of indiscipline amongst the pool workers which they attributed to the machinery for taking disciplinary action against offending workers being weak. At the same time, the supply of registered workers being inadequate, the pool workers frequently had to work for more than one shift a day but the suggestion to increase the number of registered workers was not accepted by the labour interests on the plea that the existing workers' earnings would be adversely affected. A dispute thus developed which resulted in the adoption of 'go slow' and in May, 1954, conciliation proceedings were instituted through the Chief Labour Commissioner. A series of demands were then put forward by stevedore labour, the most important of which was enhancement of the rates of wages of pool workers in order to bring them in line with the rates applicable to monthly workers. The employers, on the other hand, pressed for the modification of the Scheme with a view to introducing a piece-rate system of wages in order to ensure satisfactory output. In the absence of a mutual agreement between the parties, the Central Government referred certain disputes to an Industrial Tribunal in July, 1954 covering also certain other cognate matters affecting Port Trust Shore Labour, Cranemen and Management, etc. etc. This has already been referred to in paragraph 238.

306. In Calcutta, the Scheme was implemented with effect from 5th October, 1953. Almost the first problem faced by the Dock Labour Board resulted from the fact that the total strength of more than nine thousand registered workers was considerably in excess of the then optimum requirements of about six thousand and five hundred workers. Attendance money and guaranteed minimum wages had to be paid to a very large number of registered workers and it almost caused a financial crisis to tide over which the Dock Labour Board had to seek a loan from the Government and simultaneously to increase the levy on the Stevedores to 100 per cent of the gross wages. The amount of minimum guarantee paid to registered workers suddenly shot up in January, 1954, to a little over a lakh and forty thousand from a little over twenty nine thousands in December, 1953, and it went on rising until it reached the peak of over two lakhs in April, 1954. The position now is almost normal as far as the payment of guaranteed minimum wages is concerned.

307. The Scheme had not been long in operation when complaints commenced coming to the Government. The employers complained about the poor output of labour, indiscipline, 'go slow' and cases of intimidation, by workers etc., etc., and the Shipping Companies, in addition, complained about the serious delays in the turn-round of vessels and an alarming deterioration in the conditions and atmosphere in the docks. The commercial interests showed anxiety about the adverse effects which were caused to the trade and industry of Calcutta by the deterioration in the working conditions in the docks and delays to their export and import cargoes. The workers complained about irregularities against the Scheme committed by

employers and intimidations by and undisciplined behaviour of some other sections of workers. The Port Authorities also were deeply concerned about the state of indiscipline amongst workers and deterioration in their output with its consequences. Disputes arose repeatedly between workers and employers mostly on minor matters, such as, those arising from the decisions of the Expert Committee referred to in para 241 or unwillingness to handle particular cargo viz. tinned beef, ham or frozen meat etc. etc. These disputes often resulted in stoppages of work.

308. By the month of May, 1954, the "go-slow" amongst workers had become intense and chronic. Special endeavours were made to bring the employers and workers together in order to make remedial action possible. On the 15th May, 1954, at a meeting held in Delhi and attended by representatives of employers, workers and the Chairman of the Calcutta Port Commissioners, a settlement was reached and signed before the Regional Labour Commissioner (Central), Calcutta, by these representatives. According to this settlement, the employees undertook to discontinue forthwith the policy of 'go-slow' and it was agreed that the stevedores shall be entitled to maintain monthly gangs upto the number that they were maintaining on the date of the agreement. The labour representatives declared that the stevedore labour would not, in future, resort to go-slow as a weapon of enforcement of their demands and the representatives of employers declared that they were firmly of the opinion that the Decasualisation Scheme was necessary in the interest of the Port and that they would do everything possible to further its smooth and efficient implementation. It was also agreed that "the Chairman of the Commissioners for the Port of Calcutta will have the authority at all times to decide whether stevedore labour is working normally or has resorted to a policy of 'go-slow' and he should be given special powers to deal with the workers who may have resorted to go-slow". A copy of the memorandum of settlement is contained in Appendix IX.

309. In this settlement it was also agreed that a Gangs Reorganisation Officer would hold an enquiry into the formation of gangs and give a decision about their reorganisation. A retired Judge of a High Court was appointed as the Gangs Reorganisation Officer, but, as soon as he started functioning some workers approached the Calcutta High Court, with a prayer for a writ to stop enforcement of the reorganisation of gangs. The Committee is informed that the High Court issued a writ calling upon the Gangs Reorganisation Officer and the Calcutta Dock Labour Board to show cause why an appropriate writ should not issue, but did not issue a stay order, and that the Dock Labour Board after taking legal advice on receipt of this rule has not taken any further action in the matter.

310. The position in Calcutta has been singularly unfortunate. Friction between certain labour organisations operating amongst the dock workers have resulted in frequent clashes and disorder in the docks. The employers are also divided. There are two Associations consisting of 15 and 7 stevedores. In addition, there are also 7 stevedores who are not members of either Association. The members of the larger Association have comparatively a continuous and large volume of business mostly from the Liners,

whereas the members of the other Association mostly deal with chartered vessels and other than Liners' business. The latter is also the case with the remaining stevedores; their business is comparatively small and, more or less, spasmodic. The two Associations do not see eye to eye with each other on some matters vital to the working of the Scheme. They advocate different practices or courses of action as may suit their pattern of business. It has also been alleged that different groups of employers support different sections of workers as and when it suits their purposes.

311. It soon became apparent to the Committee that the atmosphere in the Calcutta Port was far from healthy and that it was laden not only with distrust between employers and employees but also with rivalry amongst the employers and hostility between certain labour organisations. Such an atmosphere was extremely detrimental to the efficient working of the Port as well as to the larger interests of the economy of the country. With a view to creating immediately some mutual understanding and collective appreciation of national responsibility amongst the parties concerned, the Committee made informal endeavours to bring them together. The Committee was happy to note that there was a conspicuous improvement in the outlook of employers as well as workers, credit for which was due to them all, but naturally those who were the target of most of the complaints in the past deserved the most of it; the parties concerned also readily agreed and arranged the introduction of a daily third shift as suggested by the Committee. It is regrettable that this atmosphere has not continued and the Chairman Dock Labour Board had to assume emergency powers vested in him under the Scheme.

312. No serious complaints have been received by the Government either from the employers or the employees in regard to Madras where the Scheme was implemented from 16th August, 1954. A reference to the deterioration in output of workers in the Madras Port, along with Calcutta and Bombay, was, however, made at the Annual Meeting of the Associated Chambers of Commerce; at Calcutta in December, 1954.

313. The Schemes prescribe certain obligations for registered dock workers and registered employers. A registered dock worker has to make himself available for work and report at a call-stand at specified times and to accept employment as may be allotted to him under a registered employer. He has then to carry out his duties in accordance with the directions of such registered employer and the rules of the Port or place where he is working. He cannot engage himself for employment under a registered employer unless he is allocated to him by an authority appointed in this behalf by the Dock Labour Board.

314. A registered employer cannot employ a worker other than a worker who has been allocated to him by the authority appointed in this behalf by the Dock Labour Board. In respect of workers allotted to him, he has to fulfil certain obligations regarding submission of returns, payment of wages and submission of indents and information about his current and future requirements.

315. Complaints largely arise from the non-fulfilment of some of the obligations by the workers as well as the employers. Prominent amongst the complaints which have come before the Committee, either in the answers to the Questionnaire or in the oral evidence, may briefly be summarised as follows:—

I. Employers' complaints

- (a) Pool workers do not carry out the directions of the employers, they often refuse to move from hatch to hatch, to work with monthly gangs, to move to another vessel or berth if work is completed on a ship during the working period of a shift, although this is specifically laid down in Clause 25 of the Scheme. They often refuse to close hatches at the end of the shift or at the commencement of rain. They arrive late at the commencement of the shift and leave early at the termination of the shift. They create disputes and resort to frequent stoppages of work and to 'go-slow'. They do not observe discipline.
- (b) The employers are not empowered to take suitable disciplinary action against pool workers and the Dock Labour Board's machinery for disciplinary procedure is tardy and ineffective.
- (c) The ultimate effect of all these adverse factors is that the average output per worker per shift is considerably below normal judged from the pre-decasualisation performances and the ships are inordinately delayed which affects adversely not only the economy of stevedores and shipping companies but of the country.

II. Workers' complaints

- (a) Some of the registered employers have repeatedly violated:
 - (i) sub-clause (2) of Clause 30 of the Scheme by employing unregistered workers for filling up of vacancies in the gangs of monthly workers;
 - (ii) sub-clause (5) of Clause 30 either by unjust deductions from the earnings of the workers, or by not submitting proper returns of over-time work and pay of their monthly workers;
 - (iii) sub-clause (6) of Clause 30 by not paying their levy to the Board regularly and in time.
- (b) In spite of some of the employers having become liable for prosecution under Clause 42 of the Scheme, no action under that clause has so far been taken by the Inspectors appointed under the Act.

316. It will be noticed that while the complaints from workers relate to certain breaches of the provisions contained in the Scheme, they do not suggest that the Scheme is really defective or undesirable in any way. The complaints from the employers, however, not only relate to the breaches of certain provisions by workers but also

emphasise that certain features of the Scheme are not conducive to the maintenance of discipline and procurement of reasonable output. They are particularly critical of the fact that apart from the authority to return a pool worker to the pool for any misbehaviour, they themselves are not empowered to take any disciplinary action against pool workers and to exercise the normal rights of employers.

317. The most vital aspect which caused considerable anxiety not only to the trade and industry, but also to the Government, was the alleged serious drop in productivity of dock labour and consequent deterioration in the turn-round of ships. The Shipping Companies, Indian as well as foreign, complained vehemently and urged the Government to take some effective action immediately. Whilst the Government was seized of the problem, the U.S.A./India Conference Lines proposed to levy a surcharge of 35 per cent. and the India/U.K./Continental Lines contemplated some surcharge on freight rates to Ports of Calcutta, Bombay and Madras, the India/Japan Conference proposed the levy of a surcharge of 25 per cent. on freight to Calcutta in order to compensate the shipping companies for the losses they alleged they were suffering due to unsatisfactory conditions prevailing in these Ports.

318. As has been indicated earlier, the Decasualisation Schemes for the Ports of Bombay, Calcutta and Madras have been largely based on the Scheme in force in the United Kingdom Ports administered by the National Dock Labour Board there. Although the Scheme has been in force there for over 7 years, difficulties and problems from its operation continue to arise, many of them are similar to the problems we are now faced with. The following quotation from the Annual Report and Accounts for the year 1954 submitted by the National Dock Labour Board, U.K. to their Minister of Labour and National Service, will be of interest:—

“10. The Board read with interest the report of the motion on the working of the Scheme moved in the House of Lords in November, and noted from the reply given on the Government's behalf that you intended, in due course, to discuss with the Industry the operation of the current Scheme before reaching a decision on the possible appointment of a Commission of Inquiry”.

CHAPTER IV

TURN ROUND OF SHIPS

401. The deterioration in the turn round of ships, as already mentioned in the previous Chapter, had caused considerable anxiety to the Trade and Industry and the Government. The Shipping Companies take a very grave view of this deterioration as it hits their economy severely. The Indian National Steamship Owners Association in their Memorandum observed:—

“When it is borne in mind that vessels are staying in the port well over twice as long as it is necessary it will be appreciated that it is, in the ultimate analysis, this aspect of delays to vessels which have by far the most pronounced adverse effect on the overall economic position of the Shipowner.”

By way of an example, this Association has quoted the following statement made by the Chairman of the Scindia Steamship Company:—

“An average loss of 5 days on account of poor discharging and loading operations in a round voyage—by no means a high figure in the present conditions of labour in various ports—would amount in the case of Scindia Fleet, to an aggregate loss of the order of 800/900 voyage days, or the equivalent of $2\frac{1}{2}$ vessels. In other words, these delays result in a virtual immobilisation of $2\frac{1}{2}$ vessels the maintenance cost of which would approximate to over Rs. 20 lakhs.”

402. According to some of the Shipping Companies the daily maintenance and operating cost of a ship ranges from about Rs. 4,500 to Rs. 10,000 according to different types of vessels. Any undue detention of a ship at a port, therefore, means a dead loss of a heavy amount to the Shipping Company.

403. Referring to the Port of Calcutta, the Calcutta Liners Conferences in their reply to the Questionnaire stated as follows:—

“It must be emphasized most strongly that the Port of Calcutta cannot reasonably be compared with any other Port in India. In the first place it is by far the largest port and in the second place and most important, the Port of Calcutta is virtually controlled by the River Hooghly. The working of export ships is based on river drafts which vary very considerably and the main object of shipowners is to get their ships away with all available cargo on the best available draft and, of course, in the quickest possible time. In order to achieve this objective it is absolutely essential that discharging and loading should be carried out with the least possible delay in order to avoid the possibility of being “neaped”. Under the existing circumstances

in Calcutta today no owner can ever be certain that he will be able to take advantage of the best available draft in the river. The present working of the port of Calcutta as regards stevedoring labour is so uncertain that owners are never sure when they can sail a ship and this, of course, is a serious problem for the Port Commissioners also."

404. The reply from the Port Commissioners, Calcutta, relating to this aspect reads as under:—

"There is no doubt that the turn round of ships has been delayed. The statistics supplied in reply to Question 18 will bear out this statement. The delay in the turn round of shipping has adversely affected the capacity of the ports. The position has been further aggravated as the existing capacity of this port is barely adequate. At present although the traffic passing through the port is not higher than normal—a ship carrying general import cargo has to wait on an average for 4 days before getting a berth. There are also instances of export steamers not being allotted a loading berth in time."

405. The commercial interests have represented to the Committee that the delay in shipments resulting from the deterioration in turn round and loading and discharging rates had not only been causing them considerable inconvenience but also had been seriously affecting their business. The representatives of the Bombay Chamber of Commerce while giving evidence before the Committee stated:—

"As a result of delays, the letter of credit may expire and it may be beyond the power of the buyers to renew it. There is also the exchange control. If it is to be renewed, it means extra expenses. All these will result in loss to the business and the country. Most of the goods exported have to be sold in competition with other countries. There is great competition abroad. With regard to oilseeds, vegetable oils and so on, there is large competition. Then there comes the necessity to change the provisions in the contract."

The Bengal Chamber of Commerce and Industry while dealing with this question in their answer to the Questionnaire stated:—

"Changes in sailing dates not only increase shipowners' costs but have serious repercussions on importers of commodities shipped from Indian ports. In this connection the Chamber has recently received a telegram from the various trade associations in New York pointing out very forcibly that the frequent stoppages of work and go-slow tactics in Calcutta, which result in the delay of shipments and in cargo being shut out, interfere with the continuity of supplies to jute and other manufactures such as tea, shellac, skins etc. This is causing deep resentment in the U.S.A. and elsewhere among consumers of goods shipped

from India and the associations concerned are of the opinion that if remedial steps are not taken consumers will purchase their goods from other markets from which more regular supplies of goods can be obtained."

The Indian Chamber of Commerce, Calcutta, expressed its anxiety in the following words:—

"Another important factor is that the working of the port is dependent on the drafts of the river Hooghly and the shipowners are always anxious to load and unload their cargoes as expeditiously as possible to enable them to make use of the best available drafts to take their cargo. The present position is so uncertain that the shipowners are not able to take advantage of the best available draft in the river and the loading and unloading of cargoes is indefinitely delayed. This, in turn has added to the congestion in the port of Calcutta and shipping lines have become reluctant to call at the port."

In regard to Madras, the Southern India Chamber of Commerce observed:—

"It cannot be denied that after the Scheme came into operation turn round of ships at Madras has been affected adversely. There is a general fall in the outturn of work by at least twenty-five per cent. as compared with the pre-Scheme turn round. In certain cases, very serious deterioration has been noticed going down to almost fifty per cent. of the pre-Scheme rate of working.

Other Chambers of Commerce, representatives of the All India Manufacturers' Organisation, the Indian Tea Association, other Commercial and shipping interests also voiced their concern in this matter in no uncertain terms.

406. One of the firms at Calcutta, namely Messrs. F. W. Heilgers & Co. Ltd., stated that certain ships at Calcutta left in ballast for other destinations because the owner calculated that the cost and time of loading at Calcutta plus the freight rate offered, compared unfavourably with proceeding in ballast to pick up a cargo in another country. They have cited the following instances:—

1. s. s. "Missouri Maru" sailed on 15th January, 1955 to Australia.
2. s. s. "Tynebank" sailed on 26th February, 1955, to Burma.
3. s. s. "Jersey Spray" sailed on 9th January, 1955, to Australia.

407. Another complaint made by the Liners Conferences has been that due to congestion in the Port, labour conditions, etc., ships have often been diverted to Ports other than their destination. The Director-General, Food (Government of India) was, therefore, requested by the Committee, to supply instances when ships were diverted from any of the Ports of Bombay, Calcutta and Madras on account of labour unrest or congestions at the Ports during the periods the Schemes have been in operation there. He has stated

that from February, 1952, to June, 1955, four food ships were diverted from Bombay, and two from Calcutta during October 1953 to June 1955. No such diversion took place in Madras during the period August 1954 to June 1955. The detailed information is given below:—

STATEMENT SHOWING THE STEAMERS WHICH WERE DIVERTED FROM BOMBAY PORT FROM FEBRUARY 1952 TO 25TH JUNE 1955.

Name of Steamer	Name of Port to which diverted and its date of arrival	Reasons for diversion	Nature and quantity of cargo
PADANA . . .	Bhavnagar—2-10-54	Due to congestion	Rice—8,854 tons.
RAJAH . . .	Vizagapatam—2-10-54	Do.	Rice—7,572 „
JALAGANGA . .	Bhavnagar—11-10-54	Do.	Rice—6,671 „
HAVILDAR . . .	Madras—27-10-54	Do.	Rice—7,643 „

STATEMENT SHOWING THE STEAMERS WHICH WERE DIVERTED FROM CALCUTTA PORT FROM 1ST OCTOBER 1953 TO 25TH JUNE 1955.

Name of steamer	Name of Port to which diverted and its date of arrival	Reasons for diversion	Nature and quantity of cargo
BAHADUR . . .	Bombay—17-12-54	Due to congestion	Rice—7,492 tons.
JALA PRAKASH .	Bhavnagar—17-12-54	Due to port labour strike.	Rice—6,430

408. The Karmahom Conference, Bombay, has furnished a list of ships which were diverted from Bombay Port due to labour conditions at Bombay Port. The list after omitting cases involving small tonnage is as follows:—

“Karanja” . . .	25-5-54	overcarried 1,008 tons for discharge next call.
“Caboto” . . .	7-9-54	overcarried 1,500 tons for discharge Cochin.
“Canara” . . .	8-9-54	overcarried 945 tons for discharge Karachi.
“Hoegh Silverstream”	Oct. 54	overcarried 1,558 tons for discharge Cochin.
“Jalaprabha” . . .	6-4-55	overcarried 7,216 tons for discharge Bhavnagar.
“Blitar” . . .	19-5-55	overcarried 500 tons to be transhipped at Sourabaya.

The Conference has also cited the following instances when vessels had to shut out cargoes due to labour conditions at Bombay Port:—

“Jalamanjari” . . .	17-5-54	shut out	537 tons.
“President Polk” . . .	11-12-54	„ „	400 „
“Hoegh Slivercrest” . .	13-2-55	„ „	1,304 „
“Billiton” . . .	17-3-55	„ „	900 „
“President Madison” . .	26-3-55	„ „	300 „

"Dwarka"	6-4-55	shut out	83 tons
"President Polk"	7-4-55	" "	25 "
"Hoegh Silverstream"	18-4-55	" "	640 "
"President Arthur"	30-4-55	" "	126 "
"Riouw"	12-5-55	" "	1,600 "
"Blitar"	19-5-55	" "	856 "

409. From the side of the workers, the view of the Transport and Dock Workers Union, Bombay, is as follows:—

- "15. The turn round of ships depends upon various factors, most of which are not covered by the decasualisation scheme. There is no provision in the scheme which in any way hampers the speedy turn round of ships. The causes for any delay in turn round of ships (which is denied by us) may be looked for elsewhere."

In regard to Calcutta, the opinion of the Dock Mazdoor Union, Calcutta, has been expressed as under:—

"The effect of the Scheme has been good on the turn-round of ships so far as the stevedoring labour is concerned. Though the appropriate authorities who are expected to keep figures of the turn round of ships are the Port Authorities, it depends on a hundred and one factors like the tides; brisk or otherwise business activity; speculation or absence of speculation of big bosses; the quarrel of the shipping interests *inter se* and with the Government of India and the Port Authorities; the taxation policy of the Government of India; the Export-Import policy of the Government of India; international political and economic conflicts and complications; internecine quarrels of the stevedores; the relation of the stevedores with the officials and the authorities and the ships' officers; the traditionally general corrupt practices prevalent in the series of bottlenecks in the process of work; the relation of the stevedores with the traders and the Customs officials; the supply of good, fair or bad berthing facilities in the docks, jetties, moorings; the working conditions of the derricks and cranes; the adequate supply of proper gear by the stevedores; the adequate supply of proper labour by the Port Commissioners; the psychological mood of the supervisors and the labour on the shore side; efficiency or otherwise of the men on the lighters; the condition of the river at the time the lighters are working; the condition of the sheds, their congestion or otherwise; the position of wagons, engines and drivers, their availability or otherwise; the readiness of the cargo and their documentation; the supervision of the stevedores and their supervising staff, intelligent, resourceful, tactful or otherwise; the condition and the psychological mood and the efficiency of the non-decasualised sector of dock labour who encircle the decasualised dock labour in the long chain of efficient output, etc. etc. One of the factors of the turn-round of ships, of course, a very important factor is the dock labour that

had been brought under the Scheme. Keeping all that has been said in view, the gradual enrichment of the stevedores and the shipping companies and the increased earnings of the Port Authorities after the Scheme has had a very good effect on the turn-round of ships."

410. In view of the fact that the very statement that there has been a deterioration in the turn-round of ships is denied by these unions, it is first of all necessary to examine in detail whatever reliable statistical data could be obtained so that the issue whether the turn-round has deteriorated or not is settled beyond doubt.

411. While giving evidence before the Committee a spokesman of the Liners Conference, Calcutta, said, "We consider the turn-round from the time the ship enters the port until she leaves." The definition is precise and the turn-round worked out on this basis will normally eliminate all factors which have no bearing locally on the working of a port. It may, to a slight extent, be affected by some local factors which have no connection with the operation of the Scheme, such as tidal conditions in Calcutta. In order to obtain a true indication of how the turn-round has been affected by the operation of the Scheme, the examination will have to be restricted to the period taken up for loading or discharging cargo from the commencement to the completion of these operations. What happens to the ship after the loading or discharging operations have been completed is not always connected with conditions which may result from the working of the Scheme. It may, however, sometimes happen that the inability of a ship to sail away for want of proper tidal conditions has resulted from the delay in loading or discharging operations. Meticulous calculations in respect of such cases are not easily possible. The examination will, therefore, be limited to the working periods only.

412. Due to slow operations of loading or discharging, berths may remain occupied by the same ships longer than it would have been normally necessary. This longer occupation of berths may, in turn, result in other incoming ships not getting a berth allotted to them straightaway and they may have to wait in stream or on buoy until a berth is available for them. This detention in stream or on buoy can be taken as connected with the operation of the Scheme. An examination of such detentions will also be made.

413. The examination under both these items will be in the form of a comparison of the results obtained in the post-decasualisation periods with similar results in the pre-decasualisation periods.

414. According to Clause 7(1)(a) of the Schemes it is one of the functions of the Dock Labour Boards to secure economic turn-round of vessels and speedy transit of goods through the port; it would however appear that this item has not received their due attention and the Committee could not readily get any statistical data from them which would have facilitated an examination of the type mentioned above. Later they had, to some extent, furnished some of the information asked for by the Committee. A good deal of factual information has, however, been supplied by employers, shipping and commercial interests. The Committee has not been able to make

use of some of that information for this particular examination as it was either not strictly comparable or it was based on the experience and estimate of the organisation and not on any statistical calculations.

415. Different ships are likely to carry different quantities of loads and take different times to turn-round. To make a comparative study, it is, therefore, necessary that the time taken for turning round in respect of different ships should be expressed in terms of a constant load for every ship or one should find out the average daily discharge or loading rate by dividing the total tonnage handled by the ship by the total number of days taken in loading and unloading and then compare the average daily discharge and loading rates. The ship that will record a higher average daily discharge or loading rate will naturally have a quicker turn round. In the case of the former method, namely, working out the turn round time in terms of a constant amount of cargo, comparison between the ships will be in terms of number of days or hours. The basic data in respect of the figures discussed in this Chapter have been supplied by various sources as indicated for each table. The conversion of figures to a common denominator (e.g. the computation of the number of days for handling 5,000 tons of cargo) and calculations in regard to variations and averages etc. etc. have been made from that data. As far as possible, comparison have been made separately in respect of general cargo, the handling of which is rather difficult and bulk or other cargoes which are comparatively easier to handle.

Bombay—(The Scheme came into force in Bombay Port on 1st February, 1952).

416. Table I which makes a comparison between the number of days required to handle 5,000 tons of cargo handled by the Lines named at Bombay in 1950 and 1954 has been based on figures supplied by the Bombay Chamber of Commerce. The Chamber has stated that the nature of cargo varies with the Line. The figures given in the statement are therefore comparable horizontally and not vertically.

TABLE I—BOMBAY

COMPUTED NUMBER OF DAYS REQUIRED TO HANDLE FIVE THOUSAND TONS OF CARGO, OVERSEAS, AND COASTAL IN 1950 AND 1954

Line	1950 (Jan./Dec.) Days	1954 (Jan./Dec.) Days	Percentage increase
Scindia (Overseas) . . .	15.50	23.50	51.6
(Coast)	13.30	22.00	65.4
(Rice Bags)	5.80	7.35	26.7
Bharat Line (1951) . . .	15.05	24.40	62.0
City Line	20.20	25.50	26.2
Anchor Line (Oct./Dec.) . .	8.00	14.00	75.0

It should be noted that the above table gives the turn round of ships of different lines and not according to different commodities. The table shows that the turn round time for different lines in 1954 as compared to 1950, has increased by 26 per cent. to 75 per cent.

417. The figures in Table II have been supplied by the Indian Coastal Conference and relate to two members of the Conference, whose names have not been disclosed by the Conference. The table gives the computed number of days required to handle 5,000 tons of general cargo.

TABLE II—BOMBAY

Year	Tonnage of general cargo handled	Number of days taken	Computed number of days required to handle 5,000 tons
1951 . . .	1,76,950	467	13.20
1952 . . .	1,70,946	540	15.75
1953 . . .	1,34,809	580	21.85
1954 . . .	1,16,611	555	23.75

The statement shows that in the case of general cargo the turn round time in 1954 as compared to 1951 has gone up by about 80 per cent.

418. The basic data for Table III have been furnished by the Bombay Port Trust who have supplied a comprehensive statement showing for 461 ships, 'tons discharged' and the number of days taken to discharge the cargo. They have covered a continuous period from January 1951 to December 1954. As loading and unloading operations are affected by the rains, figures have been shown separately for dry months and wet months, the wet months being June, July, August and September.

TABLE III—BOMBAY

COMPUTED NUMBER OF DAYS TAKEN BY A SHIP TO DISCHARGE 5,000 TONS OF FOODGRAINS

	1951	1952	1953	1954
<i>Dry months</i>				
January	3.5	3.9	3.9	7.4
February	3.9	3.2	3.5	..
March	4.0	4.2	3.9	..
April	5.0	4.9	4.7	6.9
May	4.8	6.9	4.7	6.2
October	4.1	4.1	4.1	..
November	4.0	2.8	4.5	4.8
December	3.9	3.1	..	6.1
Average	4.2	4.1	4.2	6.3

	1951	1952	1953	1954
<i>Wet months</i>				
June	6.1	7.5	6.4	10.5
July	6.9	7.0	7.5	9.2
August	5.3	4.8	4.7	9.7
September	4.0	4.0	..	7.4
Average	5.6	5.8	6.2	9.2

The above table shows that in dry months the turn round time has been more or less the same during the years 1951, 1952 and 1953, but in 1954 there has been a considerable deterioration. It shows an increase of 50 per cent. in the time taken as compared to 1951. The position was more or less similar in the case of wet months. The 1954 figures in wet months, however, recorded an increase of 64.3 per cent. as compared to 1951.

419. Tables IV and V give the time taken to handle 5,000 tons of cargo excluding foodgrains, sugar and bulk oil in case of imports and ores in case of exports on the basis of figures supplied by the Bombay Port Trust. The time taken in handling cargo also differs in dry months and rainy months. The tables have, therefore, been divided into two parts—one showing the time taken during the dry months and the other showing time taken during rainy months:

TABLE IV—IMPORTS—BOMBAY

COMPUTED NUMBER OF DAYS TAKEN FOR HANDLING 5,000 TONS OF CARGO IN THE CASE OF IMPORTS EXCLUDING FOODGRAINS, SUGAR AND BULK OIL

	1951	1952	1953	1954	1955
<i>Dry months</i>					
January	11.9	11.5	15.8	17.0	20.6
February	11.3	10.9	14.7	17.9	18.4
March	10.8	13.1	13.3	19.8	20.6
April	18.9	10.8	18.3	19.9	19.6
May	13.0	15.4	19.5	22.7	14.4
October	15.6	19.0	17.2	16.9	..
November	15.4	16.9	21.8	20.3	..
December	13.0	17.1	15.2	16.4	..
Average	13.7	14.3	17.0	18.9	18.7
<i>Wet months</i>					
June	19.4	21.9	16.6	26.7	..
July	19.6	17.8	24.1	23.9	..
August	10.9	14.2	27.1	27.5	..
September	15.3	11.7	21.8	19.2	..
Average	16.3	16.4	22.4	24.3	..

The table shows that both in dry and wet months the time taken for handling 5,000 tons of cargo has gone on increasing progressively since 1951. The percentage increase in time taken in 1954 as compared to 1951 was 30.0 per cent. in the case of dry months and 49.1 per cent. in the case of wet months.

The time taken for handling 5,000 tons of cargo in case of exports excluding ore is shown in Table V below:—

TABLE V—EXPORTS—BOMBAY

COMPUTED NUMBER OF DAYS TAKEN TO HANDLE 5,000 TONS OF CARGO IN THE CASE OF EXPORTS EXCLUSIVE OF MANGANESE ORE

	1951	1952	1953	1954	1955
<i>Dry Months</i>					
January	14.6	23.2	20.0	25.5	18.6
February	16.0	20.4	25.2	27.2	24.3
March	14.9	21.4	17.9	25.2	20.3
April	15.8	17.6	19.8	23.9	26.3
May	20.2	18.0	24.2	35.9	19.8
October	26.3	24.3	23.7	25.6	..
November	24.6	26.6	22.2	29.0	..
December	25.1	22.1	25.9	23.6	..
Average	19.7	21.7	22.4	28.2	21.9
<i>Wet Months</i>					
June	21.7	28.3	26.2	41.9	..
July	28.1	20.0	30.3	35.8	..
August	22.6	24.3	33.8	30.1	..
September	26.5	14.8	32.3	29.2	..
Average	24.7	21.9	30.7	34.3	..

The table shows that in the case of dry months there was a progressive increase in the time taken for handling cargo in different years as compared to 1951. The time taken in 1954 was 43.1 per cent. higher than the time taken in 1951. In the case of wet months though there was a slight improvement in the time taken in the year 1952, the two subsequent years recorded a rise as compared to 1951 and the percentage increase in the time taken in 1954 was 38.9 per cent. The average for the five months in 1955 shows appreciable improvement.

Detention of Ships.

420. Statistics regarding detention of ships, as supplied by the Bombay Port Trust, are reproduced below in Table VI. The table gives the number of days a ship had to wait in stream or buoy for want of berth. It includes both import and export vessels:—

TABLE VI—BOMBAY
DETENTION OF SHIPS IN THE PORT OF BOMBAY

Months	1951			1952		
	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship
January . . .	125	Nil	..	161	32	2
February . . .	131	Nil	..	142	2	1
March . . .	139	Nil	..	182	8	2
April . . .	130	3	1	152	12	2
May . . .	143	15	11	158	11	4
June . . .	117	15	1	141	19	3
July . . .	115	17	3	161	24	2
August . . .	121	3	3	137	5	2
September . . .	120	Nil	..	154	Nil	..
October . . .	127	1	1	159	Nil	..
November . . .	127	1	1	170	Nil	..
December . . .	139	15	2	157	Nil	..
Annual Average	..	..	1.7	..	..	2.3
	1953			1954		
	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship
January . . .	164	Nil	..	177	1	1
February . . .	149	Nil	..	152	Nil	..
March . . .	178	Nil	..	200	Nil	..
April . . .	197	Nil	..	153	1	1
May . . .	178	Nil	..	142	18	2
June . . .	140	Nil	..	145	69	4
July . . .	146	18	2	130	68	7
August . . .	163	19	2	112	73	8
September . . .	178	Nil	..	132	61	7
October . . .	152	Nil	..	142	11	3
November . . .	168	Nil	..	165	2	1
December . . .	168	Nil	..	151	17	2
Annual Average .	..	..	2.0	..	..	5.8
	1955					
	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship	No. of vessels that entered port	No. of vessels delayed for berth	Average No. of days of delay per ship
January . . .	146	20	2			
February . . .	147	25	2			
March . . .	158	50	4			
April . . .	121	49	7			

The table shows that in every year there were certain months during which no ship was detained for want of berth. The detention of ships was the least in 1953.

The statement also shows that there has been a two-fold increase in the detention of ships in 1954. Firstly, the percentage of ships detained for want of berths has increased and secondly, the period of detention has also increased. The abnormal number of vessels delayed for want of berths during the months from July to September 1954 was partly due to exceptionally heavy rains during that year. This will be evident from the following figures:—

TABLE VII—BOMBAY

Year	Percentage of ships detained	Average number of days of delay per ship
1951 . . .	4.3	1.7
1952 . . .	6.0	2.3
1953 . . .	1.9	2.0
1954 . . .	17.8	5.8

CALCUTTA—(The Scheme came into force in Calcutta on 5th October, 1953).

421. For Calcutta some sources have supplied figures in terms of days and some have supplied figures in terms of average daily discharging or loading rate. If the rate of loading and unloading is high, it will mean a quicker turn round and *vice versa*.

422. Messrs. F. W. Heilgers & Co. Ltd., Calcutta, supplied figures of average daily rate of loading and unloading in respect of 109 ships. Out of these ships comparative data (i.e. for before and after the introduction of the Scheme) are available only in respect of foodgrain ships and ore ships. There too, for the purpose of comparison of loading and unloading rates before and after the Scheme, only the ships working in dry months have been taken into consideration and a table prepared on that basis is given below:—

TABLE VIII—CALCUTTA

	Average rate of discharge/loading per ship per day		
	Before the Scheme	After the Scheme	Percentage fall in rate of discharge/loading
Rate of discharge of foodgrains and sugar	1260.0*	850.3**	(—)32.5%
Rate of loading ore	632.9†	468.5‡	(—)26.0%

* No. of ships—9, period—October 1952 to April 1953.

** No. of ships—4, period—October 1953 to January 1955 excluding June, July August and September.

†No. of ships—10, period—October 1952 to April 1953.

‡No. of ships—11, period—October 1953 to February 1954.

The above table shows that the rate of discharging food grains and sugar has come down by 32.5 per cent. after the introduction of the Scheme. The corresponding decline in the case of loading of ore has been 26.0 per cent. The representative of this firm while giving evidence before the Committee stated that there were cases of shortage of supply of shore labour and stevedore workers had to wait for the tubs to come up.

423. The Indian Chamber of Commerce, Calcutta, has supplied the following figures. The figures relate to one line and show the number of days taken for handling 5,000 tons of cargo year by year.

TABLE IX—CALCUTTA

COMPUTED NUMBER OF DAYS TAKEN TO DISCHARGE AND LOAD 5,000 TONS OF CARGO

Year	No. of vessels	Average total tonnage inward and outward handled	Average total No. of working days in Calcutta	Computed No. of days for handling 5,000 tons of cargo
1950	13	7,037	12.1	8.6
1952	18	7,235	13.3	9.2
1953	15	5,962	16.2	13.6
1954	21	7,038	21.4	15.2

The above table shows that as compared to 1953 (the Scheme started in October 1953) the time taken to load and unload cargo has increased by 11.8 per cent. in 1954. It will also be noted that a deterioration in the turn round of ships started even before the introduction of the Dock Workers (Regulation of Employment) Scheme.

424. The following table has been supplied by the Commissioners for the Port of Calcutta and it shows the average daily rate of discharging and loading per ship per day in respect of different shipping Lines before and after the introduction of the Scheme.

TABLE X—CALCUTTA

AVERAGE DISCHARGE AND LOADING TONNAGE FIGURES PER SHIP PER DAY

Lines	Pre-Dock Labour Board period December 1952 to September 1953 Tons	Dock Labour Board period October 1953 to February 1955 Tons	Fall in tonnage during the period October 1953 to February 1955 Tons	Percentage fall in rate of discharge and loading Col. 4 × 100 Col. 2
I	2	3	4	5

Imports

U.K.	240	219	21	(—)18.8%
U.S.A.	281	229	52	(—)18.5%
Continent	235	215	20	(—)8.5%

Lines	Pre-Dock Labour Board period December 1952 to September 1953 Tons.	Dock Labour Board period October 1953 to February 1955 Tons.	Fall in tonnage during the period October 1953 to February 1955 Tons.	Percentage fall in rate of discharge and loading Col. 4 × 100 Col. 2 5
1	2	3	4	5

Imports—contd.

Far East . . .	297	230	67	(—)22.6%
Coast . . .	246	235	11	(—) 4.5%
Australia. . .	332	294	38	(—)11.4%
Food . . .	1,280	763	517	(—)40.0%

Exports

U.K. . . .	322	279	43	(—)13.4%
U.S.A. . . .	391	307	84	(—)21.5%
Continent . . .	325	269	56	(—)17.2%
Far East . . .	343	248	95	(—)27.7%
Coast . . .	277	246	31	(—)11.2%
Australia. . .	431	394	37	(—) 8.6%
Ore . . .	634	495	139	(—)21.9%

It shows that there has been a deterioration in the rate of loading and unloading in the case of all the Lines. While the percentage fall in the rate of unloading varies from 4.5 per cent. to 40.0 per cent., the percentage fall in the rate of loading varies from 8.6 per cent. to 27.7 per cent.

425. Tables XI and XII, given below, have been compiled on the basis of the data supplied by the Calcutta Port Commissioners. Table XI gives the average number of days taken for handling 5,000 tons of import cargo excluding foodgrains and sugar separately for dry and wet months:

TABLE XI—CALCUTTA

COMPUTED NUMBER OF DAYS TAKEN FOR HANDLING 5,000 TONS OF IMPORT CARGO EXCLUDING FOODGRAINS AND SUGAR.

Month	1952	1953	1954	1955
<i>Dry months</i>				
January . . .	19.7	30.3	24.9	15.5
February . . .	13.1	23.6	25.6	21.7
March . . .	16.1	23.2	19.6	16.2
April . . .	16.1	24.3	24.6	18.1
May . . .	20.7	17.7	21.8	15.0
October . . .	22.7	20.2	20.6	..
November . . .	19.0	19.5	34.3	..
December . . .	24.9	20.5	24.4	..
Average for Dry Months . . .	19.0	22.4	24.5	17.3
<i>Wet months</i>				
June . . .	22.2	23.3	17.4	14.2
July . . .	19.1	19.4	22.9	..
August . . .	20.6	25.9	21.1	..
September . . .	21.4	20.5	19.7	..
Average for Wet Months . . .	20.8	22.3	20.3	..

The table shows that in dry months, the time taken for handling cargo has gone on increasing till 1954. There has been, however, an appreciable improvement in 1955 so far. While the average time taken for 1954 worked out on the basis of eight months stands at 24.5 days, the average for six months of 1955 (i.e. January to June) stands at 17.3 which is the lowest since 1952. In the case of wet months, 1954 witnessed some improvement over 1953. The information in respect of export cargo is given below:—

TABLE XII—CALCUTTA

COMPUTED NUMBER OF DAYS TAKEN FOR HANDLING 5,000 TONS OF EXPORT CARGO EXCLUDING ORE.

Month	1952	1953	1954	1955
<i>Dry Months</i>				
January . .	5.1	10.5	11.0	9.8
February . .	9.0	7.8	13.9	12.7
March . .	7.1	11.8	13.4	11.3
April . .	7.0	7.8	12.9	11.0
May . .	7.2	9.4	13.4	12.3
October . .	5.1	8.2	13.3	..
November .	5.7	10.8	17.3	..
December .	7.3	8.2	9.8	..
Average for dry months .	6.7	9.3	13.1	11.4
<i>Wet Months</i>				
June . .	6.5	13.4	14.3	12.6
July . .	5.4	11.2	17.4	..
August . .	5.8	7.9	11.6	..
September .	6.6	9.6	15.2	..
Average for wet months .	6.1	10.5	14.6	..

The table shows that in the dry months of 1953 and 1954, the time taken for handling cargo was much higher than the time taken in 1952. The 1955 figures, however, show an improvement as compared to 1954, the time taken during these two periods being 11.4 and 13.1. A progressive increase in the time taken during the period 1952 to 1954 is also noticed in the case of rainy months.

426. Statistics showing detention of ships as supplied by Calcutta Port Commissioners are given in the table below. This table gives the detention of incoming import vessels that had to wait in stream or bouys for getting a berth. Ships carrying salt and bulk oil have not been included in these figures because such ships do not come inside the docks. Bulk oil is discharged at Budge Budge Wharves and salt is discharged in river moorings.

TABLE XIII—CALCUTTA

DETENTION OF SHIPS

Months	1951			1952		
	Total No. of vessels	No. of ships detained	Average period of detention	Total No. of vessels	No. of ships detained	Average period of detention
January . . .	55	20	2.7	55	7	1.6
February . . .	56	23	1.9	55	14	1.2
March . . .	57	9	1.5	72	21	1.3
April . . .	56	10	1.4	68	21	1.4
May . . .	61	8	1.0	58	10	1.9
June . . .	60	17	1.7	65	13	1.7
July . . .	66	10	1.9	56	14	1.9
August . . .	60	29	1.5	58	9	2.0
September . . .	71	16	1.4	56	10	1.2
October . . .	57	22	2.3	47	11	1.1
November . . .	62	20	1.5	57	11	1.5
December . . .	58	15	1.1	49	8	1.6
TOTAL . . .	719	199		696	149	
Annual average . . .			1.7			1.5
	1953			1954		
	Total No. of vessels	No. of ships detained	Average period of detention	Total No. of vessels	No. of ships detained	Average period of detention
January . . .	60	9	1.3	53	9	1.4
February . . .	56	9	1.2	51	13	1.4
March . . .	55	13	1.7	59	17	1.9
April . . .	62	8	1.2	56	10	1.3
May . . .	64	7	1.1	49	17	2.4
June . . .	55	11	1.5	48	10	1.4
July . . .	62	7	1.1	46	19	1.8
August . . .	57	7	1.8	51	13	2.3
September . . .	58	5	3.0	57	42	4.6
October . . .	67	17	1.3	65	30	3.2
November . . .	47	12	1.6	55	43	3.4
December . . .	61	6	1.1	41	33	5.7
TOTAL . . .	704	111		631	256	
Annual Average . . .			1.5			2.6

1955			
	Total number of vessels	Number of ships detained	Average period of detention
January . . .	70	47	2.9
February . . .	62	32	4.0
March . . .	60	27	6.6
April . . .	55	38	5.3
May . . .	58	33	2.5
June . . .	59	19	0.8

This table shows that there has been a two-fold increase in the detention of ships in 1954. Firstly, there has been an increase in the proportion of ships detained, and secondly, there has been an increase in the period of detention of ships so detained. The percentage of ships detained during the different years was as follows:—

Year	Percentage of vessels detained	Average days of detention per ship
1951 . . .	17.7	1.7
1952 . . .	21.4	1.5
1953 . . .	15.8	1.5
1954 . . .	40.6	2.6

As regards the period of detention, it will be seen that it has increased from 1.7 days in 1951 to 2.6 days in 1954. The average period of detention was 1.5 days during 1952 and 1953. The period of detention of ships is more or less constant during the period January 1951 to August 1954. There has been an increase in the detention of ships from September, 1954, after which the period of detention has gone on increasing. A marked improvement is, however, noticed during May and June 1955; this may, among other factors, be attributed to the introduction of three shifts at the Port.

Madras —(The Scheme came into force in Madras Port on 16th August, 1954).

427. The basic data for Table XIV have been furnished by the Madras Port Trust. The table gives the computed number of days taken in handling 5,000 tons of cargo in respect of both imports and exports. Figures have been given separately for dry and wet months.

TABLE XIV—MADRAS

COMPUTED NUMBER OF DAYS TAKEN IN HANDLING FIVE THOUSAND TONS OF CARGO

	1953	1954	1955
<i>Dry Months</i>			
January . . .	15.0	14.0	18.5
February . . .	14.5	13.5	14.5
March . . .	13.0	14.0	16.0
April . . .	13.0	13.5	15.5
May . . .	15.5	12.5	14.5
June . . .	13.5	15.0	16.4
Average .	14.1	13.8	15.9
<i>Wet Months</i>			
July . . .	15.0	11.5	..
August . . .	12.5	13.5	..
September . . .	15.0	12.5	..
October . . .	12.0	15.0	..
November . . .	15.0	17.5	..
December . . .	12.0	15.0	..
Average	13.6	14.2	..

The statement shows that during the dry months of 1955 the time taken for handling 5,000 tons of cargo was 12.8 per cent. higher than the time taken in 1953 and 15.2 per cent. higher than the time taken in 1954. The averages for wet months show that the time taken for handling cargo in 1954 was higher than the time taken in 1953 by 4.4 per cent.

428. The Madras Port Trust have supplied turn round statistics for export and import vessels for the period January 1954 to June 1955. Out of this only the figures for January to June 1954 and January to June 1955, which are all dry months have been compared in Tables XV and XVI below:

TABLE XV—IMPORTS—MADRAS

COMPUTED NUMBER OF WORKING HOURS TAKEN FOR UNLOADING FIVE THOUSAND TONS OF IMPORTS (EXCLUDING FOODGRAINS AND SUGAR)

	1954	1955
January	187.7 hrs.	250.6 hrs.
February	160.1 "	203.2 "
March	159.4 "	224.7 "
April	182.0 "	182.3 "
May	159.1 "	206.7 "
June	178.9 "	185.8 "
Average .	171.2 "	208.9 "

The table shows that as compared to 1954, the time taken to unload five thousand tons of cargo has gone up by 22 per cent.

The statistics of export vessels are given in the Table XVI below:

TABLE XVI—EXPORTS—MADRAS

COMPUTED NUMBER OF WORKING HOURS TAKEN FOR LOADING FIVE THOUSAND TONS OF EXPORTS (EXCLUDING ORE)

	1954	1955
January	283.6 hrs.	261.6 hrs.
February	244.0 „	283.9 „
March	288.3 „	241.9 „
April	240.3 „	264.1 „
May	272.1 „	278.2 „
June	207.6 „	210.9 „
Average	255.9 „	249.3 „

The above table shows that in the case of exports, excluding ore, there was an improvement in the time taken for handling five thousand tons of cargo in dry months of 1955, as compared to dry months of 1954. In 1955 there was a reduction in time by 2.6 per cent. As compared to the previous months a marked improvement is noticed in June 1955. The improvement in 1955 in the case of exports has been attributed to a large increase in the export of groundnut oil, which is an easy handling cargo, and which rose from 10,184 tons in 1953-54 to 62,544 tons in 1954-55.

Detention of Ships

429. The figures in the following table have been supplied by the Madras Port Trust and give the number of ships that were detained for want of berths during the years 1953-54 and 1954-55. The statement does not include oil tankers, vessels calling for bunkers, water etc. and colliers.

TABLE XVII—MADRAS

NUMBER OF SHIPS DETAINED FOR WANT OF BERTHS

Months	1953-54		
	No. of ships which arrived at the port	No. of ships detained for want of berths	Average period of detention per ship (days)
(1)	(2)	(3)	(4)
August	61	5	1.0
September	74	20	1.9
October	69	19	1.8
November	59	13	1.3
December	67	17	1.9
January	60	16	1.9

TABLE XVII—MADRAS—*contd.*

(1)	(2)	(3)	(4)
February . . .	66	16	1·8
March . . .	74	1	1·0
April . . .	62	4	1·3
May . . .	58	9	1·1
June . . .	63	12	1·2
July . . .	65	13	1·1
TOTAL .	778	145	..
Annual Average .	..	..	1·4
1954-55			
August . . .	70	17	1·2
September . . .	66	30	1·5
October . . .	68	56	3·2
November . . .	75	43	3·5
December . . .	63	43	3·5
January . . .	63	53	4·4
February . . .	61	49	2·8
March . . .	67	48	2·4
April . . .	64	24	1·5
May . . .	60	47	2·4
June . . .	62	52	3·9
July . . .	..	..	..
TOTAL .	719	462	..
Annual Average .	..	..	2·5

The table shows that the percentage of ships detained for want of berths has increased from 18·6 in 1953-54 to 64·3 in 1954-55. The average number of days for which a ship was detained has also increased from 1·4 in 1953-54 to 2·5 in 1954-55.

430. It should be abundantly clear from the comparisons of the total working periods for loading or discharging the same quantities of comparable cargoes in comparable weather conditions, as detailed in the foregoing pages, that there has been a marked deterioration in the turn-round and that 1954 has, without any doubt, been worse than any preceding year in this respect both for Bombay and Calcutta. The complaints about deterioration in turn-round also were most vehement in that year. It is not possible to make an arithmetically correct assessment of the overall deterioration in turn-round in 1954 as compared with the pre-decasualisation period but from a perusal

of the relevant tables it may be estimated that both at Bombay and Calcutta there has been an overall deterioration in turn-round by about 30 per cent. in 1954 as compared with pre-decasualisation period. In Madras the Scheme came into effect in August, 1954 and the overall deterioration in turn-round after the implementation of the Scheme was about 15 per cent.

431. The Committee, however, is glad to note that the figures for 1955, as far as available at present, indicate that there has been an improvement in this year both under imports and exports at Bombay and Calcutta and under exports at Madras. The improvement in 1955 under imports at Calcutta has been marked.

432. The year 1954 has also been the worst so far as detention of ships for want of berths is concerned, both in respect of the percentage of ships detained and the period of detention per ship. There has been an improvement in this respect in Calcutta during May and June, 1955 mainly due to the introduction of a third shift from 25th April 1955. The improvement at Bombay during May 1955 has been secured by increasing the strength of the third shift which was made possible by the addition in the number of workers in May 1955.

433. It should be noted that the turn-round of ships has been discussed in terms of cargo working days or cargo working hours and, as such, any factors, which may delay berthing of the vessel or its sailing after the work has been completed, will not affect the conclusions based on the comparisons made in this Chapter.

434. The deterioration in cargo working periods, however, can result from:—

- (1) changes in the pattern of traffic even if the efficiency and productivity of labour remained the same;
- (2) want of cargo in case of exports resulting in labour having remained idle occasionally within the total cargo working period;
- (3) a change in the system of working which will result in employment of less labour such as reduction in the number of daily shifts or a decrease in the number of hooks worked at a time;
- (4) an actual deterioration in the effective output of labour from whatever cause it may arise.

435. Many of the factors mentioned by the Dock Mazdoor Union, such as, brisk or otherwise business activities, taxation policy of the Government, international, political and economic conflicts and complications, relations of stevedores with traders and Customs officials, shortage of wagons and locomotives can, if at all, affect only the availability of cargo. Apart from solitary instances, no evidence has been placed before the Committee which would show that cargo has not been available on a large number of occasions in any of the three ports so as to have materially affected the overall turn-round of vessels there. As regards Calcutta, to which the remarks of the Dock Mazdoor Union are apparently directed, the unanimous opinion of the Traffic Officers of the Port, who have been in constant touch with the export traffic in this Port for a number of years, is 'that of the factors that are responsible for the delay in the turn-round

of ships, the delay in documentation or making cargo available is of the least significance'. The Committee is satisfied that the overall comparisons of the cargo working periods for the years under examination have not been vitiated by the fact that cargo may not sometimes have been available after the commencement of the work.

436. As regards the pattern of traffic, the imports of wheat and other foodgrains at Bombay decreased in 1954-55, but this fall was made up by larger imports of bagged rice and of sugar. The variation in the proportion of foodgrains or sugar to the total cargo, in any case, will not have any bearing on the comparisons made in Table III, which deals exclusively with foodgrain imports and in Table IV which deals with imports excluding foodgrains. Similarly the reported increase in the export of manganese ore should not affect the comparisons in Table V which deals with exports excluding manganese ore. The exports of iron scrap, which is a difficult cargo to handle, during the last four years, have been as under:—

1951-52	9,124 tons
1952-53	1,14,745 "
1953-54	87,158 "
1954-55	32,430 "

It will be noticed that after a steep rise in 1952-53, there has been a sharp decline in 1953-54 and 1954-55 progressively. The overall turn-round of export ships in 1954 should have been better than in 1952 and 1953, due to the heavy decrease in exports of scrap, whereas according to Table V, reverse was the case. So even in spite of a favourable change in the pattern of traffic, from the point of loading, the deterioration in the cargo loading period and the turn-round became worse.

437. For Calcutta, easy handling cargo, in the case of both imports and exports have been separated and the percentage of the total tonnage of the easy handling cargo to the total import and export tonnage have been calculated. Foodgrains and sugar have been excluded from the imports and ore from the exports. The results are as follows:—

							Percentage of easy handling cargo* as compared to the total import and export tonnage	
							Imports	Exports
1950-51	.	.	.	.	.	.	19.73	10.49
1951-52	.	.	.	.	.	.	21.04	16.76
1952-53	.	.	.	.	.	.	31.33	15.81
1953-54	.	.	.	.	.	.	25.76	19.97
1954-55	.	.	.	.	.	.	26.89	17.95

* The following commodities have been taken as easy handling cargoes by the Calcutta Port Commissioners.

Imports
Asphalt
Lubricating oils
Oil
Seeds
Soda
Sulphur
Tea

Billets and Sleepers
25% of Iron and Steel.

Exports
Bones and bonemeal
Cotton and cotton waste
Grain
Lac
Sugar
Tea

Apart from an abnormal rise in the percentage of easy handling cargo for import in 1952-53, followed by a drop in 1953-54, the percentage of easy handling cargo has been steadily increasing. But Table XI shows a progressive deterioration in the years 1953 and 1954, whereas owing to the increase in the percentage of easy handling cargo, the figures for 1954 should have been better than those for 1953. In regard to exports also, there has been a progressive deterioration in 1953 and 1954, although in both the years, 1953-54 and 1954-55, the percentage of easy handling cargo was higher than that in 1952-53. It is, therefore, clear that the delay in the total cargo handling periods and the turn-round of ships cannot be attributed to any unfavourable change in the pattern of traffic dealt with at Calcutta.

438. In Madras, there has been a deterioration in the cargo working period in respect of imports during the post-decasualisation period. This may be partly due to a slight increase in the percentage of Government stores which mostly consist of packages containing machinery which are comparatively difficult to handle. In 1951-52, this traffic amounted to 0.68% of the total imports whereas in 1953-54, it was 2.19%. There was a slight improvement under exports presumably due to larger quantities of groundnut oil having been exported. This is an easy handling cargo.

439. Apart from the change in the method of supply of labour to the employers, brought about by the implementation of the Decasualisation Schemes, no major change in the system of working at any port has been brought to the notice of the Committee. There has been no reduction in the number of shifts at any port, two shifts each at Calcutta and Madras and two shifts and an extra shift at Bombay have been working throughout. The evidence before the Committee does not show that it has not been the practice to work the maximum possible number of hooks at any time. The deterioration in the total cargo working period or the turn round, therefore, cannot be ascribed to any cause which would have meant employment of less labour.

440. The Committee cannot but come to the following conclusions that:--

- (a) There has been a progressive deterioration in the turn-round of ships at Bombay and Calcutta upto 1954 which was the worst year in this respect.
- (b) The deterioration was due to a decline in the effective output of labour, for whatever reasons.
- (c) In Madras, there has been a deterioration in the over-all cargo handling period in respect of imports in the post-decasualisation period, partly due to a slight increase in the proportion of difficult handling cargo and partly for loss in effective productivity. There has been a slight improvement in respect of exports in which the proportion of easy handling cargo has also increased.

441. The deterioration in the effective output of labour will be discussed in the following Chapter.

CHAPTER V

PRODUCTIVITY AND COST OF HANDLING CARGO.

501. The conclusion reached in the previous Chapter in regard to the deterioration in the turn-round of vessels at Bombay and Calcutta was that it was due to a decline in the effective output of labour for whatever reasons. The extent and causes of the decline in the effective output of labour will be examined in this Chapter in the light of reliable and comparable statistical information which the Committee has been able to obtain from different sources. Unfortunately, comparable information available in regard to Calcutta is not so detailed as in the case of Bombay and it does not cover continuous periods before and after the introduction of the Decasualisation Scheme, but, all the same, it has enabled the Committee to arrive at certain definite conclusions.

502. The source from which the basic information has been obtained for the comparisons made in different tables in this Chapter is indicated in respect of each table.

503. Tables XVIII and XIX are based on the information supplied by the Bombay Stevedores Association and indicate the average number of tons handled per hook per shift during years 1950 to 1954 in respect of import and export cargoes, respectively.

TABLE XVIII—BOMBAY
IMPORTS

Year	Average output per hook per shift in Tons.			
	General cargo	Cotton	Bag cargo	Bulk grain
1950	39	67	79	90
1951	28	61	85	115
1952	36	83	82	57
1953	33	55	79	68
1954	26	48	59	49

These figures indicate that the output at Bombay in 1954, as compared with 1951, dropped by 7.1%, 21.3%, 30.6% and 57.4% in respect of general cargo, cotton, bag cargo and bulk grain respectively.

TABLE XIX—BOMBAY
EXPORTS

Year	Average output per hook per shift in Tons		
	General cargo	Manganese ore	Import and Export general cargo ex-small coasting vessels*
1950	55	64	64
1951	53	68	61
1952	41	68	53
1953	26	62	46
1954	39	58	42

* The same classification is being used for datum line calculations and separate figures for imports and exports are not available.

These figures indicate that the output in 1954 as compared with 1951, dropped by 26.4%, 14.8% and 31.1% in regard to general cargo, manganese ore and import and export general cargo ex-small coasting vessels.

504. The basic figures for Tables XX and XXI have been supplied by the Karmahom Conference. The Conference expressed its inability to disclose the names of the Lines mentioned in these two statements. There are 19 Lines who are members of the Conference, but the Conference has intimated that they cannot supply figures for all the Lines, as many of them are represented at Bombay by agents who do not have access to statistics necessary for compilation of figures. They have supplied figures for 7 Lines in respect of imports and only 6 in case of exports, the figures for the 7th line not being obtainable locally. The figures given in the statements are, according to the Conference, those submitted by the Lines whose vessels are most frequent callers at Bombay. The statements have been compiled from actual dead weight tonnage data maintained by the Lines concerned. Though the names of the Lines have not been disclosed, the Conference have stated that they are in U.K. and Continent/India and India/U.K. and Continent trade.

TABLE XX—BOMBAY

AVERAGE DEAD WEIGHT TONNAGE PER HOOK PER HOUR

EXPORTS

Line	1951	1952	1953	1954	Percentage fall in output in 1954 as compared to 1951
1	7.26	6.19	6.93	5.55	(—)23.1%
2	6.70	5.60	5.40	3.90	(—)41.7%
3	..	7.80	5.13	4.53	(—)41.9**%
4	6.00	6.40	6.10	4.90	(—)18.3%
5	6.38	6.01	5.09	4.89	(—)23.4%
6	6.82	6.61	4.70	**	..

These figures show that the level of output during the post-decasualisation period is generally lower than that in 1951 and was the lowest in the year 1954.

TABLE XXI—BOMBAY

AVERAGE DEAD WEIGHT TONNAGE PER HOOK PER HOUR

IMPORTS

Line	1951	1952	1953	1954	Percentage fall in output in 1954 as compared to 1951
1	7.23	6.34	5.98	5.56	(—)23.1%
2	5.70	4.60	4.10	3.50	(—)38.3%
3	..	6.52	5.15	4.31	(—)33.9**%
4	6.30	5.80	4.20	3.90	(—)38.1%
5	4.88	5.35	4.89	4.30	(—)11.9%
6	3.45	7.04	5.66	4.75	(—)12.8%
7	..	3.50	2.75	2.50	(—)28.6**%

* Percentage fall as compared to 1952.

** Insufficient cargo exported to provide a reasonable calculation.

Table XXI also shows that the productivity in 1954 was the lowest.

505. Figures in Table XXII have been supplied by the Indian Coastal Conference and they relate to coastal vessels of two of the members of the Conference. The names of the members have not been disclosed. Cargo handled is general cargo.

TABLE XXII—BOMBAY
OUTPUT PER GANG PER SHIFT.

Year	Total quantity of General Cargo handled	No. of Gangs employed	Average output per gang	Percentage fall in output as compared to 1951
1951	1,76,950	3,641	48.6	
1952	1,70,946	4,023	42.5	(—)12.6%
1953	1,34,809	4,166	32.4	(—)33.3%
1954	1,16,611	3,752	31.1	(—)36.0%

This statement shows that the output of workers has gone down progressively from 1952 onwards and was the lowest in 1954.

506. The incentive bonus earned by the stevedore workers also gives an indication about the trend of productivity of dock workers. The incentive bonus scheme is based on certain datum lines* prescribed for various types of cargo, in some cases according to commodities while in others according to steamer lines. The details of the datum lines are given in Appendix VII. It will be seen that they vary from 39 to 90 tons per gang per shift in the case of import cargo, and 34 to 75 tons in the case of export cargo. The bonus paid is equivalent to double the wage rate inclusive of all allowances for every ton of cargo handled in excess of the datum line tonnage. The amounts of incentive bonus earned both by the Reserve Pool workers and Monthly workers were as follows:—

TABLE XXIII—BOMBAY

Year	Amount of incentive bonus earned by								
	Reserve Pool Workers			Monthly Workers			Total		
	Rs.	as.	p.	Rs.	as.	p.	Rs.	as.	p.
1952 . . .	45,382	13	0	25,381	4	6	70,764	1	6
1953 . . .	41,522	12	0	15,750	7	0	57,273	3	0
1954 . . .	17,322	0	0	1,904	14	0	19,226	14	0

* The datum lines were fixed by the Port Trust Bombay on the basis of each and every vessel berthed in the docks from October 1945 to September 1947. This involved an examination of the working of 1901 import vessels and 1199 export vessels, involving 3,636,038 tons of import cargo and 1,610,579 tons of export cargo. The tonnages of cargo handled in respect of each vessel and the man-days involved in handling the same were then grouped together for vessels of the same Line. The total output of all the vessels and the total number of man-days for the entire group respectively were calculated; the man-days were then converted into effective gangs and the total output, divided by the number of gangs, yielded the figure representing the output per gang per shift.

The above table shows that there has been a progressive fall in the amount of incentive bonus earned after 1952 in the case of both Reserve Pool workers and Monthly workers in spite of the fact that the total number of workers on register at the end of 1953 and 1954 was higher than that in 1952. This implies that as compared to 1952 there has been, in 1953 and 1954, a progressive decline in the number of occasions when the datum lines were crossed. This indirectly proves the downward trend of productivity of stevedore workers.

507. The Labour Unions at Bombay have, however, stated that it will not be proper to compare the productivity of stevedore workers with the datum lines figures as the datum lines were fixed, according to them, at a very high level and also because of the fact that since 1945-47 when the datum lines were laid down, there has been a change in the pattern of trade. Having due regard to the facts relevant to these contentions, the Committee is unable to accept them. It considers that the datum lines prescribed at Bombay are reasonable.

508. It should be clear by now that there has almost been a progressive deterioration in the output of dock labour at Bombay and that 1954 was the worst year in this respect. The overall decline in the output during that year was of the order of 30 per cent. as compared with 1951, the year just preceding the introduction of the Scheme. The deterioration in the turn-round of vessels at Bombay which was also worst in 1954 is entirely explained by the deterioration in the labour output.

509. In regard to Calcutta, the Committee has not been able to make use of the factual information supplied by various sources in connection with labour productivity as the figures were either not comparable or did not cover fully the performances in a given period. The deductions made by the Committee are based on the following information:—

- (i) Productivity of workers employed by members of the Master Stevedores Association in the three months, preceding the introduction of the Scheme in October, 1953, namely, July, August and September, 1953.
- (ii) The productivity of workers employed by members of the Master Stevedores Association in the first six months of the introduction of the Scheme, namely, October, 1953 to March, 1954.
- (iii) Figures compiled by Calcutta Port Commissioners for the months of December, 1954 to March, 1955, showing separately the productivity of pool and monthly workers from the Dock Labour Board Operational Results.

510. It should be noticed that no comparable data is available for the period before the decasualisation Scheme prior to July, 1953, as well as in the post-decasualisation period from April, 1954 to November, 1954.

511. Table XXIV below gives a comparison of the average number of stevedoring tons, per gang per shift of eight working hours in respect of imports and exports of general cargo for the three months prior to the introduction of the Scheme and six months immediately after.

TABLE XXIV—CALCUTTA
GENERAL CARGO STEAMERS

Average number of stevedoring tons per gang per shift of eight working hours		
Before Scheme	Imports	Exports
July, 1953 . . .	28.89	35.00
August, 1953 . . .	25.92	35.98
September, 1953 . . .	27.59	35.43
<i>Average</i> . . .	27.5	35.5
After Scheme		
October, 1953 . . .	24.80	35.86
November, 1953 . . .	23.35	36.45
December, 1953 . . .	27.30	31.18
January, 1954 . . .	25.97	29.81
February, 1954 . . .	25.00	31.55
March, 1954 . . .	21.96	30.81
<i>Average</i> . . .	24.70	31.60
Percentage decline after the introduction of Scheme . . .	(—)10.2%	(—)11.0%

512. It should be noted that the three months immediately before the Scheme were entirely during the rainy weather when even normally the total effective productivity is less due to work having to be stopped occasionally on account of rains, whereas the six months soon after were dry months. The deterioration of 10 to 11 per cent. revealed by a comparison of productivity between these two periods is not fully indicative of the actual deterioration which could have been revealed only by comparing the results in the post-decasualisation dry months with those of dry months in the pre-decasualisation period. It would not be unreasonable to presume that the percentage of decline would have been higher.

513. Tables XXV and XXVI show output in tons per gang per shift for pool and monthly gangs respectively for the period December, 1954 to March, 1955 as worked out by the Port Commissioners.

TABLE XXV—CALCUTTA
OUTPUT PER POOL GANG PER SHIFT IN TONS

Month	Imports		Exports	
	General imports excluding food	Food	General exports excluding Ore	Ore
December, 1954 . . .	18.1	22.7	15.7	26.6
January, 1955 . . .	18.7	47.7	25.5	26.7
February, 1955 . . .	20.3	39.0	23.7	34.3
March, 1955 . . .	19.4	37.0	23.9	25.2

TABLE XXVI—CALCUTTA

OUTPUT PER MONTHLY GANG PER SHIFT IN TONS

Month]	Imports		Exports	
	General imports excluding food	Food	General exports excluding Ore	Ore
December, 1954 . .	17.2	36.6	24.2	20.4
January, 1955 . .	24.0	35.8	22.1	20.9
February, 1955 . .	21.3	55.2	25.9	25.8
March, 1955 . .	26.3	40.6	17.9	27.6

514. These figures can be compared with the average figures for general cargo for July to September, 1953, already mentioned in Table XXIV. Such a comparison is made in Table XXVII below:—

TABLE XXVII—CALCUTTA

OUTPUT PER GANG PER SHIFT IN TONS IN THE CASE OF GENERAL CARGO

	Imports	Exports
Before Scheme (July to September, 1953)*	27.5	35.5
After Scheme (December 1954 to March, 1955)**		
Pool	19.2	22.2
Monthly	22.2	22.5
Percentage fall in output after Scheme—		
Pool	(—)30.2%	(—)37.5%
Monthly	(—)19.3%	(—)36.6%

515. This table shows that the output in December, 1954 to March, 1955, as compared to the pre-decasualisation period (July to September, 1953) has gone down by 19 to 38 per cent. in spite of the fact that the figures for the post-decasualisation period relate to dry months while the figures for pre-decasualisation period relate to rainy months when the output is expected to be low. If the comparison were with corresponding dry months in the pre-decasualisation period, the percentage of deterioration would have been higher.

516. It may be clearly understood that the only information in regard to the performance at Calcutta prior to the introduction of the Scheme on which the Committee has been able to base its observations were the figures supplied by the Master Stevedores Association, referred to in paragraph 509(i). The Committee has been advised by the Association that these figures were prepared from

* Figures taken from Table XXIV. Source : Master Stevedores Association.

** Figures obtained from Tables XXV and XXVI. Source : Calcutta Port Commissioners.

the monthly average figures received by them from each Member of the Association from July, 1953 to March, 1954 which have also been submitted to the Committee. In reply to the Committee's request in July, 1955 for furnishing output figures for a continuous period before and after the introduction of the Scheme and also for as many months as possible from April, 1954 onwards, it was advised that the Association had no further output figures in their possession in addition to those already supplied to the Committee. The extent of the decline in the effective output of labour in the post-decasualisation period, as evident from the preceding paragraphs, would account for the deterioration in the turn-round of ships in the Calcutta Port.

517. In Madras the Scheme was implemented with effect from 16th August, 1954. The Madras Stevedores Association has supplied data regarding the output of stevedore workers for January to March 1954 and January to March 1955, and an analysis of the data is given in the Table XXVIII below, which gives the average output per worker per shift.

TABLE XXVIII—MADRAS

AVERAGE OUTPUT PER WORKER PER SHIFT (IMPORTS AND EXPORTS COMBINED).

Nature of cargo	1954	1955	Percentage increase or fall in 1955
	January to March	January to March	
General Cargo .	5.3	3.5	(—)34%
Ore (export only) .	8.5	8.5	Nil
Bag Cargo . .	6.0	6.7	(+)11.7%
Sugar (import only)	12.4	9.5	(—)23.4%

The table shows that in the post-decasualisation period while there has been a decline in productivity in case of general cargo and sugar by 34% and 23% respectively, there has been an improvement in the case of bag cargo by 11.7%. In the case of ore, the level of output before and after the introduction of the Scheme has been the same.

518. In order to make a comparative study of the current output of stevedore workers at Bombay, Calcutta and Madras, the Dock Labour Boards were asked to record details of output in respect of each individual shift and commodity-wise for every shift dealt with during a particular period and submit to the Committee these details in full. The output of stevedore workers in tons per hour per man in respect of different commodities have been worked out and they are summarised in the following tables.

TABLE XXIX—BOMBAY

AVERAGE OUTPUT IN TONS PER WORKER PER HOUR DURING THE PERIOD
5TH MAY, 1955 TO 31ST MAY, 1955

	Imports			Exports		
	1st Shift	2nd Shift	3rd Shift	1st Shift	2nd Shift	3rd Shift
General Cargo . . .	0.49	0.53	0.45	0.49	0.52	0.43
Bag Cargo . . .	0.83	0.90	0.68	0.68	0.71	0.5
Bulk Cargo . . .	0.79	1.01	..	..	..	..
Cotton . . .	0.8	1.09	..	0.59	0.71	0.48
Ore . . .	..	..	..	0.79	0.8	0.79

The shift hours are as follows :—

1st shift	2nd shift	3rd shift
8 A.M. to 5 P.M., with one hour's recess from 12 noon to 1 P.M. Total working hours—8.	5-30 P.M. to 12 midnight, with half an hour recess from 8-30 P.M. to 9 P.M. Total working hours—6.	00-30 A.M. to 7 A.M. with half an hour recess from 3-30 A.M. to 4 A.M. Total working hours—6.

TABLE XXX—CALCUTTA

AVERAGE OUTPUT IN TONS PER WORKER PER HOUR DURING THE PERIOD
1ST MAY, 1955 TO 24TH MAY, 1955.

Commodity	Imports					Exports				
	Pool Gang			Monthly Gang		Pool Gang			Monthly Gang	
	1st shift	2nd shift	3rd shift	1st shift	2nd shift	1st shift	2nd shift	3rd shift	1st shift	2nd shift
General Cargo . . .	0.21	0.21	0.23	0.23	0.23	0.27	0.26	0.24	0.32	0.31
Food in bags . . .	0.34	0.38	0.20	..	0.57	0.41	0.43	..	0.53	0.51
Food in bulk . . .	0.43	0.46	0.27	0.41	0.48	..	..	..	..	..
Iron Consignment . . .	0.26	0.26	0.29	..	..	..	..	..	..	..
Ore . . .	..	..	..	..	..	0.39	0.54	0.27	0.41	0.37
Scrap . . .	..	..	..	..	..	..	..	..	0.28	0.29

The shift hours are as follows :—

1st Shift	2nd Shift	3rd Shift
7 A.M. to 4 P.M. with one hour's break from 11 A.M. to 12 noon. Total working hours—8.	4 P.M. to 11 P.M. with no break. Total working hours—7.	11 P.M. to 7 A.M. with no break. Total working hours—8.

TABLE XXXI—MADRAS.

AVERAGE OUTPUT IN TONS PER WORKER PER HOUR DURING THE PERIOD
22ND APRIL, 1955 TO 21ST MAY, 1955.

Commodity	Imports		Exports	
	1st shift	2nd shift	1st shift	2nd shift
General Cargo	0.5	0.5	0.38	0.41
Bag Cargo	0.39	0.41	0.59	0.48
Iron Plates etc.	0.69	0.46	..	..
Food in bulk	0.44	0.39	..	..
Drum Cargo	0.43	0.68	..	..
Ore . . . . .	..	..	1.06	0.96
Scrap . . . . .	..	..	..	0.56

The shift hours at Madras are as follows :—

1st shift	2nd shift
From 7-15 A.M. to 4-15 P.M. with one hour's recess from 12 noon to 1 P.M. Total working hours—8.	From 4-45 P.M. to 1-45 A.M. with one hour's recess from 9 P.M. to 10 P.M. Total working hours—8.

TABLE XXXII

AVERAGE OUTPUT IN TONS PER WORKER PER HOUR IN 1ST AND 2ND SHIFTS

	1st shift				2nd shift			
	Bombay		Madras		Bombay		Madras	
	Pool	Monthly	Pool	Monthly	Pool	Monthly	Pool	Monthly
General cargo—								
Import .	0.49	0.21	0.23	0.50	0.53	0.21	0.23	0.50
Export .	0.49	0.27	0.32	0.38	0.52	0.26	0.31	0.41
Ore—								
Export	0.79	0.39	0.41	1.06	0.80	0.54	0.37	0.96

519. From Table XXIX it will be seen that at Bombay, productivity of workers was highest in the second shift and the lowest in the third shift.

520. Table XXX shows that at Calcutta the output obtained in the second shift is generally the best and it is the lowest in the third shift. It also shows that the output of monthly workers is generally

better than that of pool workers, although the pool workers have done better than the monthly workers in two instances, namely, in handling food in bulk in the 1st shift in case of imports and ore in the 2nd shift in case of exports. At Madras where only two shifts are worked, it cannot be said that output in any of these shifts is consistently or generally better than the output in the other.

521. Table XXXII is a summary for all the three ports in respect of commodities which are common to the previous three tables. From this table it is apparent that the output of both pool and monthly stevedore workers at Calcutta is the lowest in the three ports and that there is a considerable difference between the productivity of the workers at Calcutta and that of the workers at Bombay and Madras. This disparity, to a slight extent, may be due to the fact that in Calcutta each gang has two supervisors viz., 1 Sirdar and 1 Mate who do not actually handle cargo, whereas at the other two ports there is only one supervisor in a gang; this factor, however, cannot account for the total disparity.

522. The decline in the dock labour output has been attributed to many causes by workers, employers and the shipping interests. They are dealt with in the following paragraphs.

523. According to workers' representatives the absence of personal interest and supervision by a number of stevedores who have big monopolies of business is largely responsible for the decline in labour output at Calcutta. The shipping interests, on the other hand, have stated that owing to the growth of indiscipline amongst workers and the ineffectiveness of the existing disciplinary procedure, the stevedores have become so frustrated that they are not able to exercise any effective supervision. It would appear that whatever the cause may be, the supervision by the stevedores at Calcutta has suffered. The question of supervision and discipline amongst workers is dealt with later.

524. The workers as well as the Port Authorities have pointed out that certain covert or recognised corrupt practices are prevalent. Some stevedores, in order to have their work carried out briskly, give illegal gratification to some workers which causes discontent amongst others. This question will also be dealt with later.

525. The representatives of labour have said that the relations of stevedores with ships' officers and port officials also have an effect on the labour output. No evidence has, however, come before the Committee which would suggest that there has been anything wrong in the relations of stevedores with ships' officers or port officials.

526. Unsuitability or insufficiency of the gear on board the ship used for loading and unloading, such as, derricks, winches, etc. etc. may, according to workers, also have been responsible for the decline in output. No cases of insufficiency or unsuitability of such gear have, however, been brought up in the evidence before the Committee.

527. It has been argued by some labour organisations at Bombay and Calcutta and a section of employers at Calcutta that the output of stevedore labour has suffered due to lack of sufficient facilities on shore and the inefficiency and decreased output of shore workers.

There is no doubt that best results can only be obtained by a proper co-ordination between the stevedore and the shore workers. This matter and question of shore facilities will be dealt with in a subsequent chapter.

528. The employers and shipping interests are emphatic about indiscipline and general disorderliness amongst workers being principal contributaries to the serious decline in labour output. This contention has ample justification. Apart from a tendency to pay no regard to the authority and directions of the stevedores, there have been a large number of cases of workers absenting themselves from duty, assaulting, abusing and quarrelling, etc., etc. and at Bombay there have been a number of cases of workers smoking, sleeping and playing cards while on duty. Details in this connection will be found in Chapter II. Discipline amongst workers must be enforced and the Schemes should contain adequate provisions to enable the employers and Dock Labour Boards to do so. At the same time steps should also be taken to develop better harmonious relations between employers and workers.

529. Complaints have also been made at Bombay and Calcutta about workers arriving late for duty at the ship and leaving early. The Chairman of the Committee personally noticed workers at Calcutta and Bombay leaving the ships half an hour before the finishing time of the shift. The explanation offered for this was that work could not be continued up to the closing time of the shift because the hatches had to be closed. With the introduction of shifts in continuity, as recommended later, there can be no reason for workers not to continue to work for the full time of the shift. There has been no explanation for arriving late. The Deputy Chairman, the Executive Officer and other officers of the Dock Labour Board should make frequent checks to ensure that workers start work punctually and do not leave before time.

530. In Bombay, the decline in output has also been attributed to the inefficiency resulting from over-employment as, sometimes, some workers had to work two or more shifts a day; such a position should never be allowed to recur anywhere. Fixation of a ceiling limit on the number of shifts which a worker will be permitted to work in a week or in a month should preclude over-employment of workers.

531. It has been stated that at Madras there have been cases of frequent overtime working for long hours particularly between midnight and early morning with consequent deterioration in average output. The control on overtime working proposed later should eliminate any excessive overtime working at Madras or elsewhere.

532. Frequent stoppages of work due to minor disputes or extraneous causes, such as, for attending Union meetings, have also been responsible for the decline in the effective output. In Calcutta there were 412 disputes involving 10,166 workers with a loss of 32,367 man-hours during 1954. Steps for eliminating stoppages arising from disputes will be discussed later. Apart from the frequent causes mentioned above, there have been cases of organised go-slow at Bombay and Calcutta. Some of the disputes which were responsible for go-slow at Bombay were referred for adjudication.

533. In regard to Calcutta a settlement was signed at Delhi in May, 1954, in which the labour representatives undertook to withdraw the 'go-slow' (paragraphs 308 and 309). This settlement will also be referred to in a subsequent chapter.

534. The present system of time rate wage is also not considered by employers and shipping and commercial interests generally conducive to reasonable output. This aspect will also be examined later.

Cost of Handling of Cargo:

535. The employers and shipping interests at all the three Ports have complained that due to the decline in the productivity of dock workers the cost of handling cargo has gone up considerably. The cost is eventually borne by shipowners and their cost of handling includes expenditure on different items, such as, the salaries of their cargo superintendents, supervisory staff, tally clerks, hire of gear, Port Trust charges, crane charges and payments made to the stevedores, etc. etc. Different shipping companies have different methods of keeping accounts and the items included in the handling cost also vary from company to company. The main item affected by labour productivity is the payment made to stevedores. The stevedoring charges paid by the shipping companies are intended to cover the direct labour costs incurred by the stevedores, stevedores' other expenses, overheads and profits. In some cases special payments are made by the shipping companies to stevedores to compensate them for low output.

536. At Bombay, the direct labour cost to stevedores in 1951-52, prior to the introduction of the Scheme, was Rs. 1-0-1 per ton. It rose to Rs. 1-7-2 including the levy in 1952-53, to Rs. 1-15-10 including the levy in 1953-54 and Rs. 2-2-3 in 1954-1955 including the levy. The total handling cost per ton to various shippers in respect of exports was between Rs. 2-14-0 and Rs. 6-7-0 in 1950 and between Rs. 3-14-0 and Rs. 6-6-0 in 1954. The cost for imports was between Rs. 3-7-0 and Rs. 7-6-0 in 1950 and between Rs. 5-0-0 and Rs. 9-12-0 in 1954. The average amount paid by the Shipping Companies to stevedores for handling one ton of cargo works out to Rs. 4-1-10. The labour cost of handling one ton of cargo for the year 1954 works out to Rs. 2-4-0. The margin left to the stevedores to cover their other expenses, overheads and margin of profit is thus Rs. 1-3-10 per ton. The levy taken into account in this paragraph has been in respect of pool workers only, as at Bombay stevedores do not pay any levy to the Dock Labour Board in respect of monthly workers. They, however, meet themselves all the expenses in respect of leave, provident fund and gratuity, etc. for monthly workers. The margin actually, therefore, will be less than Rs. 1-13-10. It covers their other expenses, overheads and profits.

537. At Calcutta, the direct labour cost per ton to the stevedores who belong to one Association was Rs. 1-7-3 before decasualisation and Rs. 3-13-3 including levy in the post-decasualisation period. Similar costs to members of the other Association were Rs. 1-10-0 and Rs. 3-1-6 respectively. The total handling cost per shipping ton to one shipping company was Rs. 5-29 in 1950 and Rs. 10-38 in 1954. It was understood that out of Rs. 10-38, Rs. 4-26 were incurred by the

company on their own cargo department and other miscellaneous cargo expenses and the balance, viz., Rs. 6.12 or Rs. 6-2-0, apart from some charges for Port Commissioners' crane hire, represented the payments made to the company's stevedores. In the case of another company, the total handling cost per ton has risen from Rs. 4.7 to Rs. 8.2. Of Rs. 8.2, Rs. 5.78 or Rs. 5-12-6 represents the total payments per ton made to stevedores. On the basis of the post-decasualisation labour cost to the stevedores at Rs. 3-13-3 for the group of stevedores who normally work for these companies the balance left per ton with the stevedores after defraying labour charges, in the case of two companies, will be Rs. 6-2-6 minus Rs. 3-13-3 = Rs. 2-4-9 and Rs. 5-12-6 minus Rs. 3-13-3 = Rs. 1-15-3 respectively. This includes their other expenses, overheads and margin of profit per ton of cargo handled.

538. At Madras, the direct labour cost to the stevedores after decasualisation has risen from As. 10 per ton to Rs. 1-1-5 per ton including levy. The payments made by the shipping companies to the stevedores has increased from Rs. 0-15-0 per ton to Rs. 1-12-0 per ton. The margin left to the stevedores to cover their other expenses, overheads and profit is Rs. 0-10-7 per ton.

539. After the decasualisation, the direct labour costs have thus increased by 113 per cent. at Bombay from Rs. 1-0-1 to Rs. 2-3-2 and at Calcutta by 145.9 per cent. from Rs. 1-7-3 to Rs. 3-13-3 in respect of one group of stevedores and by 90.4 per cent. from Rs. 1-10-0 to Rs. 3-1-6 in respect of the other group, and at Madras by 74.2 per cent. from As. 10 to Rs. 1-1-5 per ton.

540. The stevedoring cost constitutes a small proportion of the total transport costs which have to be incurred in respect of shipments. The following break-up of the total transport costs from the mine-head to the destination port, exclusive of the cost incurred there, of one ton of iron ore shipped to Japan through Calcutta Port by a chartered steamer will illustrate the point.

	Rs. as. p.
1. Transport charges from Mine-Head to Docks—	
(a) Transport from Mine-head to Rail-head	4 6 0
(b) Loading	1 0 0
(c) Railway Freight	15 0 0
	<hr/>
	20 6 0
2. Storage at Port—	
(a) Siding Charge	0 4 6
(b) Unloading at Dump	0 10 0
(c) Plot Rent	0 5 6
	<hr/>
	1 4 0
3. Shipping Expenses—	
(a) Removal Ex- dump	1 15 0
(b) Weighment	0 11 0
(c) Shipping	2 11 0
(d) River Due	2 0 0
	<hr/>
	7 5 0
4. Stevedoring Expenses	4 6 0
5. Sea Freight	40 0 0
	<hr/>
TOTAL	73 5 0

541. It will be noticed that the stevedoring expenses in this case form a small part of the total of other expenses. The actual labour cost will be even less. A slight increase in the direct stevedore labour cost, if necessitated by the provisions of the Scheme, should not, therefore, normally make a considerable difference in the overall transport expenses.

542. An increase in the direct labour cost results from two causes, namely—

- (i) improvement in wages and working conditions of workers; and
- (ii) the fall in the output per worker per shift.

The shipping companies who ultimately bear the cost are not opposed to any reasonable increase if necessitated due to improvements in working conditions or promotion of welfare measures but they are extremely apprehensive about the consequences which follow from a fall in the output per worker per shift. This affects adversely the turn-round of ships and the financial consequences of a deterioration in turn-round can be grave as one day's detention to a ship means an additional and unremunerative expenditure of Rs. 4,500 to Rs. 10,000 on that day to the shipping company. In this context, the spokesman of one shipping company in his evidence said:—

“But nobody is going to worry for the 2 or 3 rupees increase. The stevedores are paying only a fraction of what we actually pay in other respects. The shipping companies have accepted the decasualisation Scheme and are prepared to absorb the additional cost but it is a fact that the lack of turn-round has brought us to this meeting now.”

Similar opinion was expressed by a representative of another company in the following words:—

“We can afford to forego those few pies extra or few dollars extra or few shillings extra but we must get better turn-round”.

“It does not matter if the Calcutta rate goes up or the London rate drops; if the union can prove that the workers can bring about a change in the output in the shape of increase, perhaps no company would mind spending some extra money on them but where the expenditure does not yield any increase in output, it means that the money is literally wasted—waste of labour, waste of time and that too to nobody's benefit”

543. This view of the shipping companies is reasonable and it is also clear that they will be willing to contribute liberally towards the betterment of conditions for labour and their general welfare provided, of course, reasonable labour output is forthcoming.

CHAPTER VI

SHORE LABOUR AND FACILITIES

601. Certain sections of workers and a section of employers and one Chamber of Commerce in their evidence stated that the turn-round of ships at Calcutta had suffered due to the employment of a large number of casual workers by the Port Authorities on the shore side and the deterioration in the facilities provided by them in the shape of cranes, berths, locomotives, wagons, tally clerks, etc. etc. On behalf of the Calcutta Port Commissioners it was stated that the turn-round had deteriorated due to the fall in the output of stevedore workers and the facilities provided by the Port Authorities now were not less than those in 1951 or 1952.

602. A section of workers at Bombay also complained that a large number of casual workers employed for shore work by the Port Authorities had caused disaffection amongst them which had contributed to the fall in the output of the stevedore workers also as they all worked side by side. They also stated that the facilities provided by the Port Authorities had deteriorated and this was also one of the reasons for the fall in output. The shipping companies and the Stevedores Association did not subscribe to this view. The Bombay Port officials accepted that there had been a fall in the output of shore workers but, according to them, the fall was more pronounced in the case of stevedore workers. As regards the facilities provided by the Port Authorities, they stated that, by and large, the facilities had been improved.

603. In order to examine the contentions made from either side, the factual information in regard to these matters and the total tonnage handled by shore workers at each of the three Ports have been reviewed.

604. The following figures show the total tonnages of imports and exports at Calcutta during the last five years:—

	1950-51	1951-52	1952-53	1953-54	1954-55
	Tons	Tons	Tons	Tons	Tons
(a) Imports (excluding bulk oil)	23,36,881	32,73,719	24,48,447	18,85,845	23,04,682
(b) Exports (excluding coal)	21,77,115	21,29,887	27,45,764	27,74,579	21,42,752
(c) Coal Exports	22,83,812	33,60,027	36,08,294	25,61,458	23,97,000
(d) Total Exports	44,60,927	54,89,914	63,54,058	53,36,037	45,37,752
GRAND TOTAL	67,97,808	87,63,633	88,02,505	72,21,882	68,42,434

It will be noticed that the total tonnage has shown a downward trend during the years 1953-54 and 1954-55.

605. The position in regard to employment of labour by the Calcutta Port Commissioners during the last four calendar years has been summarised in the following table:—

LABOUR EMPLOYED BY THE CALCUTTA PORT COMMISSIONERS.

	1951	1952	1953	1954
(a) Departmental Porters (Permanent monthly paid staff)	1,225	1,149	1,113	1,107
(b) Primary Porters (Permanent staff but paid on a piece-rate basis)	6,094	5,922	5,752	5,639
(c) Casual	1,671	2,301	1,643	2,198
TOTAL	8,990	9,372	8,508	8,944
Percentage of casual workers to the total	18.6%	24.6%	19.3%	24.6%

It will be observed that the percentage of the casual labour to the entire shore labour employed by the Port Authority went up from 19.3 in 1953 to 24.6 in 1954.

606. In regard to the provision of various facilities, at the end of 1954 as compared to 1951, the Committee has ascertained that:—

- (a) The number of berths for accommodating ships was 42 in 1954 against 40 in 1951.
- (b) The number of transit sheds and warehouses has remained at 34 and 10 respectively since 1951.
- (c) The number of quay cranes, yard cranes, heavy-lift cranes and floating cranes has remained at 224, 67, 16 and 4 respectively since 1951. The number of mobile cranes has increased to 8 as against 7 in 1951.
- (d) The number of hand trucks has remained at 1523 since 1951, but 28 hand trucks were replaced in 1952 and 24 in 1953.
- (e) The number of locomotives has increased from 64 to 65 apart from 12 old locomotives having been replaced during this period.
- (f) The number of railway wagons has also increased from 1904 to 1998 and 100 old wagons have been replaced during this period.
- (g) The number of tally clerks and shed clerks has decreased from 524 in 1951 to 498 at the end of 1954.

607. It cannot be said that there has been a decrease in the shore facilities which would have reduced the working capacity of the shore labour organisation. It may, however, be noted that the cranes and hand trucks are now older than they were in 1951 and there have been a few replacements of hand trucks only. It is, however, understood that regular and programmed overhaul of cranes is carried out and that steps are being taken for the provision of an additional 300 hand trucks.

608. As regards Bombay, the tonnages of imports and exports handled by the shore workers during the last five financial years were as follows:—

TONNAGES OF IMPORTS AND EXPORTS HANDLED

	1950-51	1951-52	1952-53	1953-54	1954-55
(a) Imports	2,610,137	3,311,161	2,345,288	2,074,923	2,515,566
(b) Exports	1,100,658	1,096,274	1,434,773	1,427,266	1,246,873
TOTAL (a) and (b)	3,710,795	4,407,435	3,780,061	3,502,189	3,762,439

The Imports, Exports figures are exclusive of bulk oils, bunkers and overside discharge as they are not handled by Port Authorities' shore labour.

609. The Bombay Port Trust during the year 1954 on an average employed 2,557 men as 'A' category registered workers and 500 men as 'B' category registered workers, and 2,803 as casual workers. It will be noticed that the casual workers made up 48 per cent. of the total labour employed by the Port Trust. It may be mentioned here that the fixation of the number of workers in 'A' and 'B' categories was determined by an Appellate Tribunal in August, 1954 and the present numbers are in accordance with that award.

610. As regards facilities provided by the Port Trust, as available in 1954 compared with 1951, the facts are as follows:—

- (a) The number of berths has remained at 44.
- (b) The number of sheds and warehouses has increased from 38 and 15 to 39 and 16 respectively.
- (c) The number of shore cranes, heavy-lift cranes, floating cranes has remained at 183, 5 and 2 respectively. The number of mobile cranes has, however, decreased from 35 to 29. The provision of Electric Portable cranes, however, is in hand.
- (d) The number of tractors has remained at 18 whereas the number of fork lifts has increased from 18 to 22.
- (e) The number of hand trucks has decreased from 2,711 to 2,438. It is, however, understood that 16 hand trucks were replaced in 1952-53 and out of 391 hand trucks indented for replacement in 1954-55, 239 have been received and when the remaining 152 are received, the number of hand trucks in operation will be 2,590.
- (f) There has been no change in the number of locomotives and wagons which stood at 23 and 672 respectively.
- (g) The number of tally clerks and shed clerks has increased from 880 to 1,123.
- (h) There were six electric platform trucks in 1954 against nil in 1951.

611. Taking an overall view of the facilities detailed above it will be noticed that there was a decrease in the number of mobile and

hand trucks but an increase in the number of sheds, warehouses, fork lifts, tally clerks apart from the provision of six electric platform trucks.

612. The tonnages of Imports and Exports at Madras during the last four calendar years were as follows:—

TONNAGES OF IMPORTS AND EXPORTS HANDLED

	1951	1952	1953	1954
(a) Imports : . . .	995,655	960,582	693,430	676,933
(b) Exports . . .	318,742	302,011	446,521	447,516
TOTAL (a) and (b) . .	1,314,397	1,262,593	1,139,951	1,124,449

NOTE.—(1) The tonnages shown under column 'Imports' do not include oil and coal as they are not handled by shore labour of the Port Trust.

(2) The export cargo is also not handled by the Port Trust shore labour.

613. The employment of workers under different categories during the last four years was as under:—

LABOUR EMPLOYED BY THE MADRAS PORT TRUST.

Position as on 31st December

	1951	1952	1953	1954
(a) 'A' category (Registered workers) .	651	730	700	669
(b) 'B' category (Registered workers) .	242	136	114	97
(c) Casual workers .	225	315	390	390
TOTAL .	1,118	1,181	1,204	1,156
Percentage of casual to total	20.1%	26.7%	32.4%	33.7%

It will be seen that the percentage of casual workers to the total number of workers has increased from 20.1 in 1951 to 33.7 in 1954.

614. As regards the facilities provided by the Port in 1954, as compared with 1951, the number of berths has remained at 21 but sheds and warehouses have increased from 6 and 12 to 7 and 13 respectively. The shore cranes have increased from 17 to 18, but the heavy-lift cranes and mobile cranes and hand-trucks have remained at 2, 10, and 322 respectively. Locomotives and wagons have increased from 11 and 112 to 13 and 170 respectively. The total number of tally clerks and shed clerks has increased from 249 to 261.

615. In view of what has been detailed in the preceding paragraphs it cannot be accepted that there has been a deterioration in the shore facilities provided at these Ports. It should, however, be noted that

there has been little or no modernisation or improvement in respect of the lifting appliances at Calcutta and Madras. The attention of the Port Authorities may be invited to the desirability of providing modern and more efficient appliances, not only while making replacements of existing assets, but also as additions, if necessary.

616. It is noted that at all the three Ports casual labour is employed by the Port Authorities in varying magnitudes. The proportion of casual employment to the total employment is considerable. It has been represented that the employment of casual labour on this scale by the Port Authorities has an unhealthy effect on the decasualised stevedore pool labour. In order to create a proper healthy atmosphere amongst the shore and stevedore labour, who have to work side by side and on whose joint and co-ordinated efforts the rate of handling and the turn-round of vessels depend the Committee feels that the question of decasualisation of the shore casual labour also should be taken up. As the employment of shore labour is covered by the respective Port Act or Port Trust Act, the Committee has not examined this question in detail, but recommends that the Government may review the situation and suggest to the Port Authorities that a suitable decasualisation Scheme in respect of casual shore labour may be framed by them.

617. Apart from the large scale employment of casual labour by Port Authorities, the attention of the Committee has also been drawn to certain practices which result in the employment of contractors' labour in place of labour employed directly by the Port Authorities. These practices vary from port to port, for instance:—

- (i) At Madras the Export Cargo is not handled by the Port Trust shore labour at all. This cargo is handled by the Port Authorities' shore labour at Calcutta and Bombay.
- (ii) At Bombay and Madras certain Import Cargo like Bulk Sulphur, Rock Phosphate, China clay etc. etc., are not handled by the Port Trust shore labour, but the labour employed by the importers take delivery of such consignments direct from the quay. At Calcutta small consignments of China clay and chalk in bulk are, under special circumstances, handled by shore workers; bulk consignments of manganese ore are also discharged direct into wagons by shore workers. Apart from these all other bulk cargo is bagged on board before discharge and is handled on shore by the Port Commissioners' labour.
- (iii) At Bombay unloading of cargo at the preferential berths allotted to one steamship company is done by contractors' labour. There are no such berths at Calcutta and Madras.
- (iv) The port labour handles the entire operation involved in the export of coal at the Calcutta Docks both on shore and on board a vessel. At Garden Reach Coal Jetty and Shalimar, however, the export of coal is handled by a contractor appointed by the Shipping Companies. At Bombay, coal is discharged into barges in stream by stevedore's coal labour and unloaded at the Bunders from the barges by contractor's labour. At Madras, coal is handled entirely by stevedore's coal labour on the ships and by contractor's labour on shore.

It may also be mentioned that at Calcutta the Port Authorities supply their own labour for handling consignments even in certain warehouses rented out to private parties.

618. The Committee considers that the question of eliminating contractors' labour from work which has come to be recognised as shore work to be done by the labour employed directly by the Port Authorities, should also be taken up when the framing of a Scheme for the decasualisation of shore labour, as recommended in para 616 above, is taken in hand.

CHAPTER VII

CONSTITUTION AND FUNCTIONS OF THE DOCK LABOUR BOARD

701. The consensus of opinion of Stevedores, Shipping Companies, Chambers of Commerce and workers at all the three Ports has been that the Dock Labour Boards have not functioned as effectively and efficiently as they should have for the proper administration of the Schemes. According to some, this has been due to defects in the constitution of the Board, while others attribute it to lack of suitable procedure.

702. The employers, the shipping companies and commercial interests consider that the Dock Labour Boards in different Ports have failed to discharge their responsibilities generally in respect of the items mentioned below:—

- (i) Adequate supply of labour.
- (ii) Ensuring reasonable output and efficient performance of dock work.
- (iii) Ensuring speedy turn-round of ships.
- (iv) Prevention of 'go-slow' and other obstructive tactics adopted by workers.
- (v) Maintenance of discipline amongst workers.
- (vi) Ensuring overtime and holiday work by workers when required in the interest of the efficiency of port work.
- (vii) Provision of suitable facilities for training of workers.
- (viii) Implementation of Resolutions passed by the Board.

703. On behalf of the workers it has been stated that though the Boards have, generally speaking, discharged their day-to-day responsibilities fairly satisfactorily, they have, however, failed as far as the provision of training, welfare facilities, health and safety measures are concerned.

704. The allegations, referred to in the preceding paragraphs, are not without justification. The inability of the Dock Labour Boards to discharge their responsibilities in these matters has largely been due to the following reasons:—

- (a) The Scheme has certain loopholes and does not enable the Dock Labour Board to take adequate and effective steps to remove the causes of some failures complained of.
- (b) No one in the Dock Labour Board has been vested, under the Scheme, with adequate executive authority to enforce the decisions of the Board.
- (c) Certain functionaries under the Dock Labour Board, viz., the Administrative Officer, the Special Officer and the Inspectors, have failed to discharge efficiently the responsibilities that have been vested in them.

- (d) The time of the Dock Labour Board has mostly been taken up by matters mainly concerning wages, allowances and service conditions of workers; little attention would appear to have been given to other important matters.

705. It has been urged by a section of employers and shipping companies that all the Government nominees on the Dock Labour Board, Calcutta, have an unreasonable bias in favour of labour; they unnecessarily interfere in the discussions on subjects which concern employers and employees only and almost invariably side with labour. On the contrary, it has been stated that the Government nominees on the Dock Labour Board, Bombay, until recently, had not taken any effective part in the deliberations of the Board and they, more or less, remained "sitting on the fence". For these reasons it has been suggested that the Dock Labour Board should be a bipartite body consisting of representatives of employers and employees only with an independent Chairman. It has also been stated by the same section of employers and the shipping companies at Calcutta that the Chairman of the Port Authority should not be the Chairman of the Dock Labour Board because he cannot find sufficient time to do justice to his responsibilities as Chairman of the Dock Labour Board in addition to his onerous responsibilities as Chairman of the Port Commissioners. A labour union in Bombay has also suggested that the Chairman of the Bombay Port Trust should not be the Chairman of the Bombay Dock Labour Board, as he is also an employer of Port labour and may, therefore, not always take an unbiased view in matters concerning labour. According to them, the Chairman should be a senior officer unconnected with dock working.

706. The evidence before the Committee does not substantiate the allegations, referred to in paragraph 705 above. 29 meetings of the Dock Labour Board had been held at Calcutta until the end of March, 1955. The Government representatives voted on six occasions only—twice with labour representatives, twice with employers' representatives, once one Government member voted with labour and one with employers and on the sixth occasion the labour representatives themselves were divided and the Government members voted with the majority. The Chairmen of the Dock Labour Boards at Calcutta and Bombay have never exercised their casting vote and either of them has used his ordinary vote also only once.

707. Bulk of the evidence which has come before the Committee favours the view that the Dock Labour Board should be a tripartite body. The Committee having given careful consideration to this question, has come to the conclusion that the Dock Labour Board should continue to be a tripartite body as at present. Various Schemes and Legislations dealing with labour welfare and responsibilities of labour and employers are comparatively of recent origin and are in the early stages of their implementation, when various kinds of difficulties have to be ironed out. The Government has to ensure that their implementation is carried out not only smoothly but also in the spirit in which they have been formulated. An effective representation of Government on bodies charged with responsibilities of implementing such Schemes should be of help in achieving that.

702. The Committee is further of the view that various aspects of working in a Port are so inter-linked that any disturbance in one cannot but have repercussions in another. A very close co-ordination between the work of stevedore labour and shore labour is necessary for the efficient performance of dock work. Such co-ordination is facilitated if the Chairman of the Port Authority is also the Chairman of the Dock Labour Board. Any other independent person whatever his status or experience may be, is bound to find himself severely handicapped in discharging his responsibilities and ensuring a proper co-ordination. The Committee, therefore, recommends that the Chairman of the Port Authority, *ex-officio*, should continue to be the Chairman of the Dock Labour Board and the Scheme should specifically provide for that.

709. Amendments to the Scheme which will enable to Dock Labour Board to remove some of the complaints, mentioned in paragraph 702 above, will be discussed in their proper context; a reference here may be made to the following items only:—

- (a) The responsibilities of the Dock Labour Board to ensure adequate supply of labour should be specifically included in clause 7(1)(a) which should read as under:—

“7(1)(a) Ensuring the adequate supply and full and proper utilization of dock labour for the purpose of facilitating the rapid and economic turn round of vessels and the speedy transit of goods through the Port.”

- (b) The inability of the Dock Labour Board to ensure that the Resolutions passed and the decisions taken by it are implemented, calls for serious attention. The Dock Labour Board should have necessary powers not only to deal with delinquent individuals but also with defaulting organisations. It is, therefore, recommended that the Scheme should contain a provision to the effect that the Chairman, Dock Labour Board, will recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board provided that this action will not be taken if the decision concerned is the basis of an Industrial dispute under the law. It has been advisedly suggested that a decision which may not be unanimous should also be covered by this provision, otherwise it would virtually give any one member the power of veto.

- (c) The Chairmen of the Dock Labour Boards in all the Ports should be vested with powers like the Chairman, Dock Labour Board, Calcutta, for dealing with ‘go-slow’ and ‘emergency’ under present clauses 36-A and 40-A of the Calcutta Scheme.

710. Decisions on important, though merely executive, matters are delayed pending consideration at Board meetings as the powers of the Chairman have not been defined. A labour union in its answer to the Questionnaire has observed, “The remedy lies in vesting the Chairman, Dock Labour Board, with all powers to pass orders of an

executive nature. Today, under the Scheme such powers, though implied, are nowhere explicitly stated. This should be rectified". This view has found a general support. The time of the Dock Labour Board should not be taken up in arriving at decisions on matters relating to day-to-day administration or implementing the policy decisions already taken by them and the proceedings of the Board meetings should not be bogged with discussions on minor details. The Board should primarily devote its full attention to important matters of policy and the responsibility to implement decisions should rest on the Chairman who should be the Chief Executive of the Board. It is considered expedient that the powers and duties of the Chairman, Dock Labour Board, should be specifically defined in the Scheme and that the powers which can be exercised by the Board only should also be clearly stated, as detailed in paragraphs 711 and 712 below.

711. All matters of policy, and in particular the following, will be dealt with by the Dock Labour Board in meeting:—

- (a) (i) to fix the number of workers to be registered under various categories;
- (ii) to increase or decrease the number of workers in any category on the register, as may be necessary, after a periodical review of the Register and anticipated requirements;
- (b) to sanction the temporary registration of a specified number of workers in any category for a specified period;
- (c) to consider further registration of employers on the recommendation of the Chairman;
- (d) to prescribe forms, records, registers and statements, etc., etc. required to be maintained under the Scheme;
- (e) to determine wages, allowances and other conditions of service, and to refix the guaranteed minimum wages in a month after annual reviews;
- (f) to fix the rate of levy for daily as well as monthly workers as a percentage of the gross wages;
- (g) to fix the rate of contribution by dock employers to the 'Workers Welfare Fund';
- (h) to constitute Sub-Committees for different purposes, as may be considered necessary, and prescribe their functions and terms of reference and to abolish or reconstitute them;
- (i) to sanction the Annual Budget;
- (j) to appoint the Executive and Personnel Officers and Administrative Superintendent;
- (k) to sanction the creation of posts carrying a monthly salary of Rs. 300 and over, and to make appointments against such posts;
- (l) to make recommendations to the Central Government about changes in Schedule I;
- (m) to make recommendations to the Central Government about any modifications in the Scheme;

- (n) to endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and to report to the Government the results of such endeavours; and
- (o) to discuss statistics of productivity of labour and turn-round of ships and record its observations and directions.

712. Consistent with the extant decisions of the Board, the Chairman of the Dock Labour Board should have full powers to deal with all matters relating to the day-to-day administration of the Scheme including the following items:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' register are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registrations of specified number of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative Body or the Administrative Superintendent;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (iii) to report to the Board if any provisions of the Scheme are violated by the Administrative Body or the Administrative Superintendent;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions laid down in the Scheme for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the productivity of labour and turn-round of ships are compiled and placed before the Board every month with appropriate remarks and explanations;
- (j) to sanction the creation of posts carrying a salary of below Rs. 300 p.m. and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers as prescribed in the Scheme;
- (l) to allow exceptions to the maximum limit of overtime working normally permitted under the Scheme and to report all such cases to the Board;
- (m) to allow relaxation in the maximum number of shifts permitted to be worked by an employee per week or per month, and to report such cases to the Board;
- (n) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;

- (o) to declare 'a state of emergency' and take action as authorised under the Scheme;
- (p) to recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board; he shall, however, not make such a recommendation if the decision of the Board is the basis of an industrial dispute under the law;
- (q) to sanction the transfer of a monthly worker to the Pool at the request of the employer or the worker, as provided for in the Scheme;
- (r) to deal with appeals from workers and employers against non-registration; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

713. There is no doubt that the nature and volume of the functions and responsibilities of the Chairmen of the Port Authorities in all the three Ports are such that it would not be reasonable to expect them to pay personally the same degree of attention to important details of day-to-day working of the Schemes and to carry out the duties specifically mentioned in paragraph 712 above, as they have to do in the case of the work under the Port Authority. In order that they should be able to function properly and effectively, suitable assistance on the Dock Labour Board side has to be provided. Having regard to the volume of work in these three Ports, it is considered that the Chairmen, Dock Labour Boards at Calcutta and Bombay would need considerably greater assistance. It is recommended that there should be a whole-time Deputy Chairman each at Calcutta and Bombay and an Executive Officer at Madras to assist the Chairmen. The status of the Deputy Chairman should be comparable with that of a Head of a Department under the Port Authority and he should be appointed by the Central Government. He should have the necessary administrative ability and experience and preferably some knowledge of dock work and labour matters. The Executive Officer should be of the status of the Assistant Traffic Manager, Madras Port Trust, and may be appointed by the Dock Labour Board. At Calcutta as well as at Bombay, the Chairman may delegate in writing to the Deputy Chairman as many of the duties mentioned in paragraph 712, as he may deem necessary excepting those mentioned under items (j), (n), (o), (p), (r) and (s). At Madras also the Chairman may similarly delegate in writing duties to the Executive Officer excepting those mentioned under items (j), (l), (m), (n), (o), (p), (q), (r) and (s). Notwithstanding such delegation of powers, the Chairman will have the right of control and direction in respect of these items also. The Deputy Chairman will be the Chairman of the Sub-Committee which the Board may constitute, and in the unavoidable absence of the Chairman, he will also preside at the meetings of the Board.

714. For reasons stated in paragraph 707 above, it is necessary that the Government representatives on the Dock Labour Board should be effective and give to the Board the benefit of their experience by taking an active part in its deliberations. To enable the

Dock Labour Board to discharge one of its main functions viz. 'ensuring the rapid and economic turn-round of vessels and the speedy transit of goods through the Port', the Port Traffic Managers at Calcutta and Madras and the Docks Manager at Bombay may also be nominated by the Government as *ex-officio* Members of the Board apart from the Chairman of the Port Authority. At Bombay and Calcutta, the Deputy Chairman will also be one of the Government representatives on the Board. Owing to the peculiar circumstances in which the Regional Labour Commissioners (Central) are placed in regard to dealing with matters relating to the Dock Labour Boards, they have not been able to take an effective part in the deliberations of the Boards. It will, therefore, be expedient if the Regional Labour Commissioner (Central) is not nominated on the Dock Labour Board; if at all it is necessary to nominate on the Government side someone concerned with the employment of labour, the Regional Director of Resettlement and Employment will be a suitable choice.

715. It has been brought to the notice of the Committee that in some cases the non-Government representatives have either attended the Board meetings on very rare occasions or they have changed frequently. This could not make for the efficient functioning of the Dock Labour Board. The continuity of the presence of the same member, as far as possible, was very necessary when the original Schemes were implemented and it will be more so when the amended Schemes are brought into force. This may be pointed out to the organisations which are asked in future to nominate their representatives on the Board.

716. As regards the Administrative Body at Bombay, the employers have stated that it has been functioning satisfactorily. No complaint has been received by the Board against the Administrative Body. The views of the workers are divided in this respect. While one union has stated that so far there have been no complaints against the Administrative Body, another has complained that the Administrative Body has not discharged its functions effectively and efficiently and it has suggested that it should be a tripartite Body. This union, however, has not quoted any specific instances of failure on the part of that Body to substantiate its complaint. The Administrative Body at Madras has also been reported as functioning satisfactorily and discharging its duties efficiently and effectively. The workers there also, however, have suggested its substitution by a tripartite Body. The Committee is of the opinion that the Administrative Bodies at Bombay and Madras have satisfactorily discharged the responsibilities and functions vested in them under the Schemes, and that the workers' objections to their continuance in their present form are, more or less, psychological and not substantiated by facts. Whilst the Administrative Body works under the control of Dock Labour Board, which is a tripartite Body, there is hardly any force in the suggestion that this Body itself should also be a tripartite Body. The Administrative Bodies at Bombay and Madras should, therefore, continue as at present.

717. At Calcutta, there is no Administrative Body, but there is an Administrative Officer instead who performs all the functions of the Administrative Body. The employers, the shipping companies and the workers' representatives have all stated that the Administrative Officer at Calcutta has not only failed to discharge his responsibilities

but his certain acts of omissions and commissions have, in some measure, contributed to the unhappy state of affairs prevalent there. Only one labour union has said "the functioning of the Administrative Officer in Calcutta has been generally satisfactory". But this remark has been qualified further by saying "save and except on occasions when undue influence was brought on him from unauthorised quarters and he has permitted himself to be swayed on the side of the employers". The Committee is convinced that the Administrative Officer at Calcutta has not been able to discharge, effectively and satisfactorily, the responsibilities and functions entrusted to him under the Scheme. This is, however, not necessarily due to the personal qualifications or abilities of the incumbent of the post, but is, to a large extent, due to the circumstances and the organisational set-up in which he had to work. The present arrangements call for a change. In the light of the experience of the working of the Administrative Bodies at Bombay and Madras, the Committee would suggest that an Administrative Body, as already provided for in the Scheme for Calcutta also, would be the most suitable substitute. Should the stevedores at Calcutta be now able to make up their differences and come up to the Government with a proposal, agreed to by both the Associations, for the constitution of the Administrative Body, the request should be favourably considered. Failing that, an Administrative Superintendent of the status comparable with that of the Superintendent of Labour, Calcutta Port Commissioners, should be appointed by the Board. This Officer, though in immediate charge of the duties and responsibilities vested in the Administrative Body, should work under the direction and control of the Deputy Chairman and refer all important matters to him for decision.

718. As regards the Special Officers in all the three Ports, the views of the employers as well as employees, though from different angles, are that they have not functioned satisfactorily. The workers' representatives allege that they have shown a pro-employer bias whereas the employers consider that they have been extremely ineffective in the matter of taking prompt and adequate disciplinary measures against delinquent workers. Certain facts and figures in regard to the working of Special Officers, given in Chapter II, will show that the disposal of complaints by them has not been prompt, and, in some cases, delays have been inordinate. Apart from the fact that the Special Officers in all places did not have the necessary training, equipment and experience for efficient disposal of disciplinary cases, some of them would appear to have assumed a rigid legalistic outlook instead of being realistic and businesslike without, in any way, infringing the rights of workers, the prescribed disciplinary procedure and the spirit of it. At one Port, the Special Officer's office, where he deals with complaints, is called the Special Officer's Court and it has been given the appearance of a court room. It is typical of the atmosphere, perhaps created inadvertently, in the matter of day-to-day administration and disposal of ordinary complaints arising therefrom. It is not desirable to create a feeling in the minds of workers that all complaints against them have to be decided by a court and that the administration itself has no powers in that regard. It is, therefore, recommended that the institution of Special Officers should be abolished altogether and

the responsibility to enforce discipline should be vested in the Chairman, the Deputy Chairman and the Executive Officer, as the case may be, and, to a limited extent, in the Employers. The Chairman, the Deputy Chairman and the Executive Officer may be assisted by Personnel Officers appointed mainly for this purpose. The status of the Personnel Officers may be determined by each Dock Labour Board having regard to local conditions.

719. The Inspectors appointed to help the Special Officer at Bombay are reported to have been serving a useful purpose. Notwithstanding the abolition of the post of the Special Officer, these Inspectors may continue at the discretion of the Dock Labour Board. As regards the Inspectors at Calcutta, working under the Administrative Officer, the employers as well as the workers are of the opinion that they have not served the purpose for which they were provided; on the contrary, there have been some serious allegations against some of them. It would appear to be the view of all the parties concerned that at present these Inspectors, as a class, are not at all useful and should be withdrawn. This view may be accepted and given effect to. It may be left to the Dock Labour Board to devise, if necessary, a suitable machinery to achieve the object for which these Inspectors were appointed. As there is a possibility of confusion with the Inspectors appointed under Clause 6 of the Act, the designations of the Inspectors appointed by the Bombay Dock Labour Board should be changed to Dock Overseers.

720. An Assistant Secretary of the Calcutta Port Commissioners is at present working as part-time Secretary for the Calcutta Dock Labour Board. This is not a satisfactory arrangement and the Calcutta Dock Labour Board should have its own Secretary.

CHAPTER VIII

REGULATION OF EMPLOYMENT

801. The achievement of greater regularity of employment and adequate supply of workers for the efficient performance of dock work aimed at by the Scheme is dependent upon a number of factors, such as, careful initial registrations of workers, periodical assessment of anticipated demands for labour and suitable adjustments in the number of registered workers in different categories, etc., etc., and can result only from a judicious maintenance of a close balance between supply and average demand. The manner in which the initial registration of workers was carried out at Bombay, Calcutta and Madras has already been detailed in Chapter II.

802. Neither the employers nor the workers in their evidence before the Committee had any complaint about the manner in which the registration was done at Bombay. The supply of registered workers there, however, has, more or less, throughout the working of the Scheme been inadequate as already mentioned in Chapter II. This factor could not but have adverse effects on the efficiency of the dock work there. After the recent recruitment in May, 1955, of 70 additional gangs and other workers, the labour supply has improved.

803. As regards Calcutta, the employers and the shipping companies have complained that the requirement of the Port for stevedore labour was not assessed as per Clause 12 of the Scheme before registration was started under Clause 13. Moreover, according to them, sub-clause 13(1) of the Scheme is not satisfactory, as it does not define the words "who on the date of the constitution of the Board is in the employment of an employer". The registration was carried out in accordance with an *ad hoc* decision given on behalf of the Central Government at a meeting in Calcutta and little or no scrutiny was made of the applications received with the result that a large number of men, claiming to be dock workers, were registered much in excess of actual requirements. Representatives of a section of workers also stated 'that the registration had not been satisfactorily done and many undeserving elements managed to get themselves registered'. The Dock Labour Board had set up a Scrutiny Committee to deal with cases of bogus registrations. No reduction in the number of workers, however, could be made on these grounds because of the Appeal Tribunal's decision that the Scheme did not provide for deregistration of a worker for such reasons. It may be mentioned here that during the war a large influx of labour had taken place in the Calcutta Docks to meet heavy demands for labour. A very large proportion of these war-time workers have continued to work there even after the cessation of war-time demands, although their total monthly employment became meagre. All these workers, perhaps some more, eventually offered themselves for registration and were registered. The registration thus had no relation to actual demands.

804. As has been mentioned earlier, the excess registration caused almost a financial crisis for the Dock Labour Board, as large amounts running into lakhs had to be paid every month as minimum guaranteed wages as mentioned in Chapter II.

805. This initial excess registration has also been responsible for an acute difference of opinion between some Labour Unions and employers as the latter complained that there was a large surplus of labour which should be resolved whereas the former maintained that there was no surplus. The employers further alleged that for fear of retrenchment of surplus labour, the workers had been going slow and stretching out work. The amount of money paid as 'guaranteed wages' and 'attendance allowance' should be a fair index of whether the supply of labour was in excess of the demand for employment or not. It may, however, be pointed out that the demands get automatically inflated if the output per worker is less than normal. Large sums paid as guaranteed minimum wages proved that even minimum employment could not be found for all the registered workers. The state of imbalance between supply and demand for labour has, however, since improved, particularly after the introduction of the third shift and the amounts paid as guaranteed minimum wages in the months of April, May and June, 1955 were Rs. 1345/4/-, Rs. 276/6/- and Rs. 901/7/- respectively. According to the figures supplied by the Calcutta Dock Labour Board the Sirdars and Mates got employment on an average for 16 and 20 days respectively; the average employment of Rolias and Kamalias varied between 20 and 22 days in May, 1955. There has, however, been a slight set-back in June and the average employment of Sirdars and Mates fell to about 12 and 15 days respectively, and that of Rolias and Kamalias to between 15 and 17 days. In brief, the position at present is that there is definitely an excess in respect of Sirdars and Mates and a shortage in the category of Winchmen; the number of Rolias and Kamalias on the Registers may not entail the payment of guaranteed minimum wages to them in any large proportions even when the labour output is at a reasonable level and the demands are normal, but there is a considerable scope for an increase in their average employment per month. Having regard to all relevant factors, the Committee is of the opinion that, at present, it is not necessary for the Dock Labour Board to take any special steps, other than offering voluntary retirement on existing terms, to reduce the number of registered workers in these categories.

806. Out of a total number of 1,104 gangs of stevedore workers in Calcutta, 280 gangs are incomplete. The Committee recommends that the incomplete gangs should be immediately completed with workers now available on the Register. The total number of gangs will then be automatically reduced and the average employment per gang will also be increased without actually reducing the total number of registered workers in any category. Should the reduction in the number of gangs result in some Sirdars and Mates becoming surplus, they may be kept unattached and utilised for relieving duties.

807. As regards Madras, while the employers had stated that the registration of workers had been satisfactorily completed, the workers represented that it had not been done satisfactorily as a number of workers who had worked for years as dock workers were not

registered merely because they did not work on any day within the prescribed period of one month prior to 14th July, 1953. Further, the registration of some workers who had worked even within this period was hampered as the employers either did not maintain their registers properly or did not furnish their copies to the Registration Committee. The Committee is satisfied that the Registration Committee acted correctly in accordance with the provision of the Scheme, but at the same time it has to be accepted that the exclusion of all those workers who, for one reason or another, had not worked even for a day during the prescribed period of one month, acted harshly on them.

808. The employers at Madras consider that the number of workers available on the Register now is adequate. This contention, however, is not accepted by workers whose case is that there is a shortage of workers because in spite of the facts that monthly workers belonging to one firm are sometimes lent out to another, workers are often asked to work in lower capacity and one Tindal is being asked to look after two or three groups, the demands for labour cannot be met fully from amongst the registered workers and casual workers are being employed frequently, if not daily. The Committee has ascertained that the employment of casual workers since the inception of the Scheme has been resorted to by the Dock Labour Board, the employment of casual labour ranging from 3 days in a month to as many as 18 days in a month. This is not a satisfactory feature. The other allegations were correct to some extent only in regard to the early period of the implementation of the Scheme and the incidence of these irregularities have ceased for some time. The Committee considers that the Dock Labour Board, Madras, should review their register and the position in regard to anticipated demands and take suitable steps early to avoid employment of casual labour. Should it be found necessary to make fresh recruitment, preference should be given to those workers who can prove to have worked in the Docks for long periods but failed to obtain registrations after application because they had not worked during the prescribed qualifying period for registration as mentioned in the preceding paragraph.

809. In order to ensure an adequate supply of labour and at the same time to provide a reasonable quantum of employment for workers, it is necessary that the Dock Labour Boards should make periodical assessments of their labour requirements and determine the anticipated demands based on long-term trade prospects affecting exports and imports as well as short-term fluctuations in trade and normal seasonal variations. The demands resulting from short-term and seasonal fluctuations should be separated from the long-term requirements and adjustments in the register, whether implying increase or decrease, should be based on long-term variations only.

810. In order to meet the demands resulting from short-term or seasonal fluctuations, the Dock Labour Boards should have the authority to permit temporary registrations. They should specify the number of workers and the period of their temporary registration, which should be communicated to the 'workers registered temporarily' who for brevity may be called WRTs. The WRTs should be entitled to attendance wages under the same conditions

as permanent registered workers and their other service conditions may be prescribed by the Dock Labour Boards. They must comply with all the conditions of the Scheme and have the same obligations as permanent registered workers.

811. In view of the experience of the initial registrations, it is considered necessary that all registrations of new categories in future should be very carefully planned and carried out so that the problems which resulted from the registrations already made do not come up again. The following principles should apply in respect of all categories which have not yet been registered but may be registered hereafter:—

- (a) Before workers in a new category are registered, the Dock Labour Board concerned will make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the bonafide workers in that category who may then be working in the docks.
- (b) There will be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port will not automatically entitle him to registration.
- (c) After the provisional registration has been completed, the booking in rotation will start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.
- (d) A re-assessment of the requirements will be made after three months in the light of the actual employment obtained by workers provisionally registered and the provisional registration will then be adjusted accordingly. The payment of attendance money only will commence from that time.
- (e) The working under these conditions will be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages should be paid. From that time the workers will be entitled to all the benefits under the Scheme.
- (f) The guaranteed minimum wages prescribed for categories already registered cannot automatically be claimed by categories to be registered hereafter.
- (g) The wages of the workers in categories which may be registered hereafter will also not be automatically fixed at the rates at which they may have been paid during their casual employment before registration.

812. It is not only the size of the labour force which has a bearing on the efficiency of performance, but their quality is also an important factor. Having regard to the local conditions, the Dock Labour Boards may prescribe maximum age limits for recruitment of fresh labour, whether permanent or temporary, and preference should generally be given to younger applicants.

813. In case any fresh recruitment is necessary whether on a temporary or a permanent basis in any category already registered, the recruitment should be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the Register of the Employment Exchange on the day of the requisition, direct recruitment, after absorbing suitable men from the Employment Exchange register, may be resorted to.

814. Each individual registered worker should have a proper photo Identity card and an Attendance and Wage card. A proper 'service record' for each registered worker should also be maintained which should be a complete record of all disciplinary actions taken against him as well as of promotions and commendations for good work. The identity card must contain the following information:—

Name.

Age.

Height.

Identity marks.

Father's name.

Category.

Date of issue.

Wage number.

Registration number.

These particulars along with the home and local addresses should be maintained in a register also. Dock Labour Boards should take early steps to comply with the requirements mentioned in this paragraph.

815. The Scheme provides for (i) a Monthly Register, i.e. register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers and (ii) a Reserve Pool Register, i.e. register for workers other than those on monthly register. The provision of the monthly register has been a subject of rather animated controversy. Certain Labour Unions, all the employers at Bombay and Madras, the majority group of employers at Calcutta and the shipping companies at all the Ports advocate not only the retention but also a progressive expansion of the monthly registers on the grounds that—

- (a) the monthly workers are more disciplined and give better output of work than Pool workers;
- (b) the employer-employee relations are almost non-existent in the case of pool workers, whereas the relations between monthly workers and the employers are healthy; and
- (c) the monthly workers get used to the nature of work done by a particular Stevedore and by being continuously booked to the same ship acquire efficiency and speed.

816. The stevedores in the minority group at Calcutta urge that the monthly register should be abolished because the maintenance of two registers causes dissatisfaction and gives rise to a higher operating cost and consequent higher rate of levy.

817. Some workers' unions demand the abolition of the monthly register and putting all the workers in the reserve pool on the following grounds:—

- (a) The basic objective of 'better regularity of employment' which, according to them, means equal distribution of available work to all eligible dock workers is violated by the existence of two registers.
- (b) The existence of two registers of workers one enjoying better privileges than the other causes jealousy and heart-burning.
- (c) The manner (i.e. on the basis of selection rather than seniority) in which the monthly workers were lifted from the pool at Calcutta was an injustice to senior workers.

818. In support of the contention of the employers and others that the monthly workers give better output of work, various figures of output of monthly and pool workers have been placed before the Committee. These figures do not conclusively prove that the output of monthly workers is invariably better than that of pool workers as many figures indicate even to the contrary. This has been explained by the employers as being due to the fact that the monthly workers are often utilised by them for dealing with cargo which requires more skilful and careful handling, or is otherwise difficult to handle. The Committee considers that it would be futile to endeavour to test this contention by any previous statistical data, as it has not been the practice to keep suitable statistics which would throw any light in an authentic manner on this aspect. The views of the employers in this respect resulting from their day-to-day experience and the observation made in para 520 may, however, be noted.

819. There can be no doubt that a mutual understanding which is the foundation of sound employer-employee relations grows more readily and strongly between employers and employees who work together continuously. The value of employment of workers on a monthly basis in creating closer and better understanding and relations between employers and employees cannot be over estimated and must be given due weight while considering the desirability of continuing the monthly registers. The continuity aspect pointed out by the employers also is important and well worth securing. Employment on monthly basis makes continuity in work on a ship by the same set of workers until the work is completed, easily feasible.

820. The stevedores in the minority group and non-member stevedores at Calcutta do not normally get work continuously throughout the month. Their demands for labour are intermittent and spasmodic. The employment of workers on a monthly basis, therefore, does not suit the pattern and volume of their business. Their opposition from their own business point of view is somewhat understandable.

821. The monthly workers here correspond to the weekly workers under the U.K. Scheme. The objective of the Schemes framed under the Indian Act is verbatim the same as that of the U.K. Act and the U.K. Scheme. It must, therefore, have the same meanings and implications, as have, for years, been accepted, upheld and followed

in practice in U.K. The British Government had appointed a Committee of Enquiry in 1950 under the Chairmanship of Sir Frederick Leggett, C.B., to investigate the unofficial stoppages in the London Docks. The observations contained in para 40 of the Report of this Committee, reproduced below, in a way provide almost a precise answer to the question under discussion.

"40. We realise that there has been opposition on the part of some of the men, notably members of the Stevedores' Section of the N.A.S.D. to any increase in the proportion of men who are permanently employed by a particular employer, but we would regard such an increase as a most useful and effective contribution towards securing a better atmosphere in the industry, and a development which would in present circumstances be in the best interests of employers and workers alike. We are aware that there are practical difficulties involved, but nevertheless we suggest that permanent employment should be extended as far as possible, and that means to minimise the difficulties should be found, including possibly the grouping of employers for this particular purpose."

Mr. A. A. Dawson of the International Labour Office in a pamphlet "The Stabilisation of Dock Workers' Earnings" has also expressed the view that weekly contracts should be encouraged and extended as far as possible. It has been particularly mentioned in the Annual Report of the U.K. National Dock Labour Board for 1954 that the number of such workers in that year rose by 1001 to 15,549. The contention of some of the Labour Unions that the maintenance of monthly registers acts against the objective of 'greater regularity of employment' is thus not tenable.

822. The disparity between the earnings of monthly and pool workers, which is feared to cause jealousy and heart-burning, is bound to get less and less and eventually disappear as the overall quantum of employment per worker available on the register progressively increases, apart from other reasons, due to natural wastage only. Instances have not been lacking in Bombay and Calcutta when the pool workers have been, on the contrary, earning more than the monthly workers. Progressive expansion of the monthly register should also eventually remove the latent fear, rightly or wrongly, entertained by labour organisations who are opposed to the retention of the monthly registers that the selection of monthly workers may remain confined to particular labour groups only.

823. It is only logical that the employers should have the right to select workers whom they offer employment on a monthly basis. This process goes a long way in improving and strengthening the employer-employee relations.

824. It may be noted that even those who are opposed to monthly registers have stated in their evidence that they would not have any objections to the retention of monthly registers if 70 to 80 per cent. of the total number of workers were taken on them. They, however, urge that the attainment of this target should not be spread over a long period.

825. Having given careful consideration to this controversial problem, the Committee have come to the conclusion that—

- (i) it would be in the furtherance of 'greater regularity of employment' and 'the efficient performance of dock work' if the monthly registers are not only retained but progressively expanded;
- (ii) the rate of expansion of the monthly register can be considerably quickened if the employment of workers on a monthly basis is allowed not only by individual 'employers' but also by 'groups of employers';
- (iii) the 'employers' or 'groups of employers' should be allowed to select workers for monthly employment.

It is recommended that necessary provisions should be made in the Schemes accordingly and the limitation placed by the Delhi Settlement of May, 1954 on the number of monthly gangs to be retained by stevedores at Calcutta should be removed.

826. The Committee has been given to understand that in some of these Ports, a large majority of workers now in the pool could be employed on a monthly basis if the employment of monthly workers by 'groups of employers' is allowed and the employers are permitted to select such workers. The Committee hopes that this will actually materialise in some if not all the three Ports.

827. It has been pointed out during the discussions in the Committee that in the event of a large majority, say 60 to 70 per cent., of the total number of workers at Calcutta being taken on the monthly register and employed by a particular Association or group rotating the monthly gangs amongst the members as and when required, there will be very little employment left for the workers who will remain in the pool and large sums of money may have to be paid as guaranteed minimum wages to such workers and that this, in turn, might call for an increase in the levy. Further, when the workers in the pool will not get sufficient employment it may again be suggested that there is surplus labour in Calcutta Port and retrenchment may be urged by employers. These points deserve very careful consideration, but the full implications of the problem can be examined only when definite proposals from any group of employers are received by the Dock Labour Board. The Board then will, no doubt, take necessary regulatory and other appropriate actions. The Committee, however, would like it to be understood that should the employment for the remaining workers in the pool fall even below the guaranteed minimum employment solely for this particular reason, any suggestion from the employers or any body else for retrenchment on the plea of surplus labour on this account shall not be accepted by the Dock Labour Board. It may, however, be made clear that this stipulation will not interfere with the normal right and authority of the Dock Labour Board to reduce the number of workers on the register if and when such a course is necessitated by reasons other than those mentioned in this paragraph.

828. The Schemes at present do not prescribe any measures to regulate or control the transfer of workers from the monthly register

to the reserve pool register. Clause 14(3) merely entitles the worker to registration in the Reserve Pool and certain financial and service benefits. There are different practices in different ports; this is not satisfactory.

829. Monthly workers should have a reasonable security of retention on the monthly register. It should not rest merely on the whim and fancy of the employer to return them to the Reserve Pool register, nor should he be permitted to make a convenience of workers and to return them to the pool as and when ordinary seasonal fluctuations in his business take place. He should be prepared to meet those exigencies without interfering with the employment of Monthly workers. Long-term or permanent loss of business would, of course, be another matter. Similarly it should not be open to a worker to return to the Reserve Pool simply because, at any particular time immediately on returning to the pool, his earnings will be higher. It is, therefore, recommended that the Scheme should include a provision to the effect that no transfer of a monthly worker to the pool will take place without the prior approval of the Chairman or the Deputy Chairman and that the employer or the worker asking for such a transfer should submit an application in writing explaining fully the reason for the transfer. The request will be complied with only if the reason is good and valid. No transfer should take place in anticipation of the Chairman's or the Deputy Chairman's approval.

830. The clauses 10(1) governing the registration of employers in the Schemes for Madras and Bombay are identical. The clause in the Calcutta Scheme is slightly different inasmuch as it contains a reference to 'monthly paid workers' and 'minimum gear'. At Bombay and Madras, the Stevedores have to be licensed by the Port Authorities which is not the case at Calcutta. This perhaps was the reason which necessitated the reference to 'minimum gear' in the relevant clause in the Calcutta Scheme. There has been no complaint about the registration of employers at Bombay and Madras, but an association of stevedores at Calcutta has stated that the spirit of clause 10(1)(b)—reference regarding minimum gear—has not been fulfilled by the Dock Labour Board inasmuch as some Stevedores, who do not have the minimum gear, have also been registered. The Committee considers that the question of determining the adequacy of gear is a technical one and the Port Authorities are better suited to deal with this matter than the Dock Labour Boards. It is, therefore, recommended that the Calcutta Port Authority should be asked to take the responsibility of licensing stevedores, as is the case at Bombay and Madras, and Clause 10(1) of the Calcutta Scheme may be amended to be in line with the corresponding clauses in the Bombay and Madras Schemes. The Committee also recommends that the registration fee for employers in future should be uniform for all the three ports and the fee at Madras should be raised from Rs. 400/- to Rs. 500/-.

831. The methods of booking in vogue at Bombay, Calcutta and Madras have been detailed in Chapter II. There has been no complaint about the method at Bombay. The designation RPWs (Reserve Pool Workers) locally applied to junior stevedore workers in a sub-pool from which leave and other vacancies in the gangs are filled

is, however, confusing as all the workers in the pool are Reserve Pool workers. In order to avoid that confusion, the junior workers in the sub-pool maintained for relieving purposes may be called LRWs (Leave Reserve Workers). The practice of having such a sub-pool for this purpose is considered sound.

832. At Calcutta the process of booking takes comparatively a longer time and it has been stated that a worker may have to wait for 3 to 4 hours to mark his attendance to become entitled to the attendance money. This is not satisfactory. The procedure should be overhauled with a view to reducing the period for which a worker has to wait to prove attendance to not more than an hour normally. It is further recommended that the Calcutta Dock Labour Board also should have a sub-pool of LRWs. (Leave Reserve Workers) from amongst the existing workers to fill casual vacancies in pool as well as monthly gangs.

833. The Committee also considers that the present system at Calcutta and Bombay, according to which the head of the gang alone presents himself at the counter with the identity cards of the entire gang to receive booking, is unsatisfactory. All the members of the gang should present cards individually for booking. The head of the gang should notify to the booking office, at the time of booking, the number of vacancies in his gang. The booking office will then fill these vacancies from amongst the L.R.Ws. on attendance.

834. No complaints have been received about the method of booking at Madras. It is, however, recommended that the Dock Labour Board, Madras, also should have a sub-pool of L.R.Ws. for filling casual vacancies. This will be particularly necessary if workers are formed in gangs.

835. There has not been any serious complaint in regard to the methods of transfer, promotion and filling up of other than casual vacancies adopted by the three Dock Labour Boards. The procedure in force at present at each port may continue.

836. The transfer of a worker from the Reserve Pool register to the Monthly register will not be considered as a promotion and will not be subject to rules applicable to promotions. Such a transfer will be by selection by the employer or the group of employers who undertakes to employ him as a monthly worker.

837. It has been represented on behalf of the workers at Madras that in order to secure greater efficiency and promote a team spirit amongst workers the Madras Dock Labour Board should form regular gangs of workers. The Committee is glad to know that the Dock Labour Board, Madras, has already taken up this matter and, at a meeting held on 27th June, 1955, has passed a resolution that "the minimum number of workers that should be booked per hook by a registered employer shall be one Tindal and nine stevedore workers including one Commandman". The Committee recommends that the Board should pursue the question of forming regular gangs. The demands for half gangs, in addition to a full gang, which appear to be a frequent and unavoidable feature at Madras, may be met from amongst the sub-pool of LRWs.

Classification and Duties of Workers:

838. The Committee considers that the present classifications of stevedore workers at Calcutta under Kamalia I, II, III and IV and

Rolia I, II and III, and at Bombay, under senior and junior stevedore workers are unnecessarily complicated. This multiplicity amongst workers who, more or less, do similar work, causes unnecessary problems in bookings. It is recommended that these designations should be abolished and all these workers may be classified as 'Stevedore workers' or 'Mazdoors'. In view of the fact that there has been a difference in the wages of some of these workers, the stevedore workers under the new designation may be put on incremental scales of pay which may be fixed having regard to the fact that some of them enjoyed the benefit of officiating on a higher wage in the same or the higher group. The present wages of any worker should not be adversely affected by this change.

839. For similar reasons, the three categories of Foremen Grade I, Foremen Grade II and Foremen Grade III, mentioned in clause 11 of the Bombay Scheme, should also be abolished and in their place there should be one category named 'Foremen' and a suitable incremental scale of pay should be fixed for this category so that they do not incur any financial disadvantage due to the abolition of the three grades.

840. It has also come to the notice of the Committee that the Sirdar of a gang in Calcutta has no well-defined duties apart from taking booking for the gang. The Committee considers that there is no need for having two supervisors in a gang of 9 workers and that the Dock Labour Board should re-allocate the duties between the Sirdar and the Mate of a gang in such a way that the Sirdar alone supervises the work of the gang and the Mate does the signalling work, thus relieving a Rolia for normal cargo handling work.

841. At Bombay, the Hatch-foreman is a misnomer, as he actually is not a Foreman in the sense that he has no supervisory duties; he does only the signalling work which is done by an ordinary stevedore worker at Calcutta as well as at Madras. The designation may be abolished and the present Hatch-foremen should be merged in the existing gangs as stevedore workers, but they may continue to carry on the signalling work. This change in designation, however, should be made without affecting the wages of the existing workers in this category and also without reducing the number of men in the gang who handle cargo at present. When this change is carried out, the number of workers in a gang will be nine instead of eight.

CHAPTER IX

THE OBLIGATIONS, LABOUR RELATIONS AND DISCIPLINE

901. The obligations of 'registered dock workers' and 'registered employers' have been laid down in Clauses 29 and 30, respectively, of the Scheme. They are reproduced below:—

"29. Obligations of registered dock workers

- (1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.
- (2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.
- (3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.
- (4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—
 - (a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift, as may be so specified;
 - (b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.
- (5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer and the rules of the port or place where he is working".

"30. Obligations of registered employers

- (1) Every registered employer shall accept the obligations of the Scheme.
- (2) A registered employer shall not employ a worker other than a worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8(e).
- (3) Unless otherwise directed by the Administrative Body a registered employer shall, on the engagement of a registered dock worker who is available for work, obtain his record book or wage card and stamp it in respect of each period of work and return it to him at the conclusion of his engagement.

- (4) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.
- (5) A registered employer shall, in accordance with directions given by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.
- (6) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.
- (7) A registered employer shall keep such records as the Board may require, and shall produce to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the Board".

902. It has already been briefly indicated in Chapter III how the provisions of the Scheme are alleged to have been violated by the employees and the employers. That question along with the broader question of labour relations and discipline is followed up in this Chapter.

903. The Stevedore and Shipping Companies' representatives at Bombay have complained that the dock workers there have not been fulfilling their obligations as laid down in sub-clauses (4) and (5) of Clause 29 of the Scheme. Some of the instances of their failure are as follows:—

- (a) Refusal by pool labour to move from hatch to hatch or to move to another vessel if the work in a particular vessel is completed during the working period of the shift, although clause 25 specifically provides for this.
- (b) Refusal by pool gangs to close the hatches at the end of the shift or when it commences to rain.
- (c) The late arrival of the workers at the commencement of the shift and their leaving earlier than the closing hours of the shift.
- (d) Adoption of 'go-slow' tactics.
- (e) General indifference to the directions of employers under clause 29(5).

904. They have further stated that—

- (i) the registered employers have been fulfilling all their obligations in spite of considerable difficulties;
- (ii) the employer-employee relations have deteriorated mainly due to the fact that the employer has no power to select

his workers, or fix their wages and terms of employment or take disciplinary action where necessary;

- (iii) the reserve pool worker considers himself as an employee of the Board and not of the Stevedore to whom he is allocated for employment by the Administrative Body. This feeling is very unhealthy. The net result has been that discipline of dock workers has deteriorated badly and the number of cases of indiscipline has grown alarmingly; and
- (iv) the procedure for enforcing discipline amongst registered dock workers, as laid down in clause 36(2), is cumbersome and the power to take action against workers for indiscipline must be vested in the registered employers.

905. The Unions, however, assert that the dock workers have been fulfilling their obligations quite satisfactorily and the employer-employee relations are not happy because the employers are inflexible and conservative in their outlook and are guided by the profit motive only. According to the Unions, the disciplinary procedure as laid down in clause 36 is quite adequate.

906. At Calcutta a Stevedores' Association and the Liners Conferences have complained that the registered dock workers, particularly, the pool gang workers and winchmen, have not been fulfilling their obligations, as laid down in sub-clause (5) of clause 29 which requires them to carry out their duties in accordance with the directions of their employers, nor have they acted according to the rules of the Port or the place where they are working. Pool gangs stop work at times on such frivolous complaints as that the weather is too hot or too cold, there is too much weight in a sling or too few men have been allotted to handle the sling, the drinking water is not satisfactory, etc. etc. According to them the relations between the employers and monthly gangs (excluding winchmen) are satisfactory. The other Association has said "relations between employers and labour have deteriorated to a point where there is no relation at all". According to all the employers and the shipping companies the reason for this is that workers consider themselves to be employees of the Dock Labour Board only and do not regard the Stevedores as their employers. As a result, indiscipline is rampant amongst pool workers and they cause frequent disputes which disrupt dock working. The nature of disputes may be summarised as follows:—

- (a) Disputes relating to decisions of the Expert Committee, referred to in para 241.
- (b) Disputes between workers and ships' crews.
- (c) Refusal by workers to handle tinned meat in cases, etc.
- (d) Refusal by workers to work overtime.
- (e) Stoppages of work to attend Union meetings.
- (f) Refusal by Pool workers to work with monthly workers.

907. The Stevedores complained that clause 36, which lays down the disciplinary procedure, has been strictly followed in respect of the employers but has not been properly implemented against the workers.

908. The views expressed by the representatives of the workers' unions are, however, not unanimous in these matters. One Union has stated that the dock workers have been fulfilling their obligations as laid down in clause 29 of the Scheme, while in the opinion of a couple of other unions the monthly workers are fulfilling their obligations but the reserve pool workers are not doing so.

909. A union has complained that some of the registered employers have not fulfilled their obligations under sub-clauses (4) and (6) of clause 30, and another has complained that some of the big stevedoring firms have been violating clause 30(2) by employing unregistered workers, and that some of the stevedores have also violated clause 30(5) by not paying the levy to the Board promptly and in one case the Board had to lose a heavy sum of money on this account.

910. According to the workers' unions also the employer-employee relations have deteriorated but the reasons given by them are different. Two unions have stated that the relations have deteriorated largely due to the unruly elements in another union, but according to that union the employer-employee relations have deteriorated because certain stevedores, who have very large volume of business, do not visit their ships at all and hardly exercise any supervision or come in contact with their workers personally and almost every thing is left to their supervisors, clerks and others; such stevedores will constitute about 25 per cent. of the total number of stevedores working in the port and they are all members of one Association. Further, according to the same Union, the remaining employers take personal interest in their work in the docks and exercise supervision personally and disputes occur more often when the stevedores are themselves not present. That Union has further stated that the discipline has been strictly maintained by workers but, according to two other unions, this could not be said of the pool workers generally. The representatives of one of these Unions while giving evidence before the Committee stated that there were only 50 or 60 unruly workers who were creating all the trouble and if they were isolated and severely dealt with, better atmosphere would prevail in the Docks.

911. In the context of the conditions peculiar to Calcutta Port:—

(a) One Union has made the following suggestions to improve discipline:—

- (i) Collection of union subscriptions inside call stands or the Dock Labour Board offices should be prohibited.
- (ii) Holding of meetings inside call-stands should be prohibited.
- (iii) Service records should be maintained for every worker.
- (iv) No worker should be allowed to go on board the ship when off duty.
- (v) Arrangements should be made for the protection of workers and the staff of the Dock Labour Board.
- (vi) Policemen should be posted within call stands.
- (vii) Booking should start at the scheduled time and not later.

(viii) Decisions of the Expert Committee should be strictly followed.

(ix) The Administration must be firm.

The Committee has already recommended *vide* paragraph 814 that complete service records for workers should be maintained. The other suggestions may be examined and implemented by the Calcutta Dock Labour Board to the extent they are considered necessary or desirable. Some of the suggestions would appear to be already covered by extant instructions.

(b) Another union has suggested:—

“(i) Pampering of rival unions must cease.

(ii) Formation of one pool of all registered dock workers by liquidating the monthly system in order to eliminate disparity in earnings and the consequent discontentment and heart-burning which affects efficiency.

(iii) Arrangements for speedy settlement of disputes through direct negotiations.

(iv) Stoppage of all unnecessary harassments to the members of that Union.”

Item (ii) has already been dealt with in Chapter VIII and will be further dealt with in this Chapter. Item (iii) is also dealt with later in this Chapter. The Union may supply the Dock Labour Board, Calcutta, with concrete instances falling under items (i) and (iv) and the Dock Labour Board should examine them and take suitable action.

(c) A suggestion had also been made to the Committee from another quarter at Calcutta that Union volunteers also should not be permitted to go on board the ship. The Dock Labour Board should examine this suggestion also and take appropriate action.

912. As regards Madras, the conditions on the whole would appear to be much better than those at Bombay and Calcutta and no cases of aggressive indiscipline, serious misdemeanour, or deliberate ‘go-slow’ have been reported. The employers’ main complaint is that the workers have not fulfilled their obligations inasmuch as they have not been turning out full day’s work. They also state that as the Scheme does not provide for any direct contact between the employers and employees, the employer-employee relations are practically non-existent. They also referred to the ineffectiveness of the current disciplinary procedure and the inability of the employers to take any disciplinary action.

913. According to the workers’ unions, the dock workers have been fulfilling their obligations but all the registered employers have not been doing so. They state that an increasing awareness on the part of workers of their rights and responsibilities is often misinterpreted by employers as indiscipline.

914. The number of cases of indiscipline that had to be dealt with by the Special Officers as detailed in Chapter II shows that the extent and intensity of indiscipline, particularly at Bombay and Calcutta, are of an order that cannot but cause concern to those interested in port working as well as to the Government. Employer-employee

relations at Calcutta have been particularly strained and those at Bombay have also not been happy. In the light of the evidence that has come before the Committee it would not be incorrect to state that the mutual allegations in regard to the breaches of their respective obligations by either party, though might in some cases be somewhat exaggerated, are not without substance.

915. The absence of normal employer-employee relations in the Stevedoring Industry is primarily due to certain basic principles of the Decasualisation Schemes in operation at these ports. Whilst the Schemes have eliminated the casualness of employment, they have made it impersonal. Further, an atmosphere of confusion, as it were, prevails as to who is the real employer of the labour under the Schemes. The worker is inclined to look upon the Dock Labour Board as his employer, whereas the stevedores consider that they are, as they were in the pre-decasualisation period, the real employers as they pay for the employment and other amenities and, even under the Scheme, have the authority to give directions to the workers allocated to them. They are anxious that the workers should realise that the Stevedores are their employers. These particular features of the Schemes, which are based on the U.K. Scheme, have caused almost identical problems in U.K. The observations made in paragraph 142 of the "Review of the work of the National Dock Labour Board 1947—1949, as submitted to the National Joint Council for the Port Transport Industry" will be of particular interest. The paragraph is reproduced below:—

"Prominent among the difficulties is the duality of the workers' responsibility—to the Board, and to the employer to whom he is allocated. The Dock worker tends to regard the Board more and more as his employer, and resists any orders from other quarters; employers complain that disciplinary action, because of procedure of the Scheme, is slow; that the appeal system operates in such a way that the "rough and ready justice" which formerly obtained is replaced by a tedious process often resembling a negotiation which drags on and in the outcome gives less satisfactory results than hitherto from every point of view".

916. These features of the Scheme which have caused these problems cannot be entirely eliminated without scrapping decasualisation in its essence, which is not thinkable. Ways and means have to be found to create conditions so that the objectionable effects of the employment becoming impersonal and the responsibilities of workers being dual are minimised, if not altogether removed.

917. The employment of workers on a monthly basis and their selection by the employers go a long way in removing the impersonal aspects of employment under the Schemes. It has been stated by the employers that Monthly workers are better disciplined and relations with them are healthy with the exception of Winchmen at Calcutta. This exception is largely due to the fact that Winchmen in the Pool get more chances of employment. The particular case of Winchmen, however, need not detract from the fact that employers are happier with Monthly workers. The retention and expansion

of Monthly register has already been dealt with at length in the previous chapter and no more need be said about it here.

918. A suggestion has also been made on behalf of the employers that following the practice of "free call" in U.K., employers may be allowed to select their daily workers also from the pool instead of getting them allocated by rotation as at present. In most of the ports in U.K. the employment is nearly full and the picking up of workers by "free call" would not consistently leave any appreciable number unemployed, as those who are not picked up at "free call" generally find work by rotational allocation to meet the total requirements. Conditions here, particularly in Calcutta, are different as pool workers on the whole have not yet reached a stage anywhere near full employment. Picking up of Pool workers by individual employers without rotational booking might result in a number of the same workers being left without any employment for long periods, whereas their other colleagues in the pool will be getting much more frequent employment. The Committee, therefore, does not recommend the acceptance of this suggestion.

919. It has also been suggested that in order to remove the impersonal character of employment and to bring the employers and employees together, there should be direct negotiations and collective bargaining between employers and employees in all matters affecting both the parties and it should not be left to the Dock Labour Boards to make any settlements in these matters. The Committee fully appreciates that direct contacts between employers and employees to reach settlements are most desirable and should be encouraged. If agreements are reached in this manner, the Dock Labour Boards should only be too happy, but they must come in the picture before any agreement between employers and employees is adopted. It would also not be advisable that the Dock Labour Boards should not take up the threads if the employers and employees have not been able to resolve any differences or come to a settlement, and just leave the parties to ask straightaway for a settlement by an Industrial Tribunal. The suggestion would appear to be based on the procedure which is followed in U.K. where the Dock Labour Boards do not determine wages or service conditions but are responsible only to ensure that agreements reached by the National Joint Committees are correctly enforced. Time is not yet ripe here to follow the U.K. practice *in toto*. The Dock Labour Boards should endeavour to settle disputes about which a request for arbitration has been made to the Central Government by the parties concerned and should report to the Government the results of their endeavours. The Government should give due weight to the views of the Board which is a tripartite body and to a decision which may have been taken by the Board unanimously or by a majority vote.

920. The employers and the shipping interests have stated that Clause 29(2) which reads as follows:—

"A registered dock worker in the Reserve pool who is available for work shall be deemed to be in the employment of the Board";

is largely responsible for the worker to think that the Dock Labour Board and not the stevedore is his employer, and that it should either be deleted or suitably amended. This clause defines the position of a Reserve Pool worker when he is available for work, i.e. when he has not been allocated to any registered employer. While he is not allocated to any registered employer he has obligations under clauses 29(3) and 29(4) and somebody has to be his employer throughout that time to ensure that these obligations are carried out. The Dock Labour Board is that body. Clause 29(5) on the other hand clearly mentions "employment under a registered employer" and also vests in such employer the authority to give directions in accordance with which the worker shall carry out his duties. No amendment of Clause 29(2) would, therefore, appear to be called for.

921. It has also been contended by certain employers and shipping interests that the words "the rules of the port or place where he is working" in clause 29(5) of the Scheme have been responsible for a number of disputes, particularly, in Calcutta, arising from the implementation of the decisions of the Expert Committee. The workers' plea is said to be that their compliance with the directions of the employers, according to them, would mean an overloading of the sling for the allotted number of workers in contravention of the decision of the Expert Committee and would make them also liable under this clause, and therefore they object to carry out the employers' directions and this causes a dispute which is generally followed by a stoppage of work. The employers have suggested that these words which are interpreted by the workers in the manner indicated should be deleted. The Committee is unable to accept this suggestion and is of the opinion that these words are necessary as the rules of the port or the place of working must, in all cases, be enforced and the instance quoted by the employers would not justify the deletion of these words. The attitude taken up by the workers in the instance mentioned, however, would not be correct. If the workers consider that the direction of the employer in any particular matter is not in order, they should seek correction by a reference to the appropriate authority and not stop the work. In fact, the Committee is advised that an agreement has already been reached at Calcutta between the employers and the workers that in the event of a dispute of this kind, no stoppage of work will take place and the point in dispute will be referred to the authorities concerned for settlement. It has also been suggested that the Scheme should specifically provide that "no stoppage of work or lock-out should take place, sectionally or otherwise, pending any matter being submitted to and adjusted under the conciliation procedure and that such adjustment shall be accepted by both the parties as final". The Committee considers that a better and more workable procedure would be for the Dock Labour Boards to get the employers' and employees' representatives together and persuade them to enter into joint agreements so that stoppages of work or lock-outs, pending settlement of disputes, are not resorted to. Some clarification in this clause, however, is necessary so that authorised representatives and supervisors of the employers are deemed to have proper authority to give directions hereunder. The clause may be suitably amended.

922. The contention of the employers that the existing state of indiscipline in the Ports is largely due to the ineffectiveness and tardiness of the machinery and the procedure provided under the Scheme for disciplinary action is, in the opinion of the Committee, not without reason and calls for a revision of the present procedure. It has been pointed out in Chapter VII that the institution of Special Officers who have acted more or less as quasi-judicial officers has not proved a success and its abolition has been recommended. The Committee considers that it would be most expedient, without in any way infringing the rights of workers or sound disciplinary practice, if the Chairman of the Dock Labour Board is made the highest administrative authority in disciplinary matters and disciplinary powers are delegated to the Deputy Chairman, the Executive Officer, the Personnel Officer and the Employers to the extent appropriate in each case.

923. The Committee, however, has not found it feasible to devise a procedure which will give disciplinary powers to an individual employer in respect of Pool workers for any act of indiscipline and misdemeanour committed by them when allocated to him which he could exercise after complying with proper disciplinary procedure. The object of giving certain disciplinary powers to the employers can, however, be secured, to a large extent, if the Administrative Body which consists of employers only is vested with such powers. This concept can be easily fitted in the new organisational structure of the Dock Labour Board which has been proposed by the Committee.

924. The Administrative Body should have a Labour Officer or Labour Officers appointed by that Body with the approval of the Dock Labour Board. It will be the duty and responsibility of the Administrative Body, on receipt of a complaint from an employer in regard to an act of indiscipline or misdemeanour committed by a reserve pool worker while he was allocated to that employer, to apply through the Labour Officer the disciplinary procedure and, if necessary, to impose a suitable penalty within its powers against the pool worker. If on enquiry the offence calls for a penalty beyond its powers, it will report the case to the Deputy Chairman at Calcutta or Bombay or the Executive Officer at Madras, for suitable action. Where there is no Administrative Body consisting of employers, the disciplinary procedure will be applied by the Personnel Officer on receipt of a complaint in writing from an employer.

925. Before dealing with the question of the delegation of disciplinary powers to different officers, a few suggestions in regard to the revision of penalties permissible under the Scheme may be examined

(i) Under Clause 36(1) of the Scheme, the penalties which can be imposed on a registered employer briefly are:—

- (a) A warning in writing.
- (b) The removal of the name of the registered employer from the employers' register for such period as is determined by the Board.

It has been pointed out that the gap between these two penalties is wide and the provision of an intermediate penalty is desirable so as to make disciplinary procedure against employers more practical. A fine of Rs. 500 has been suggested as an intermediate penalty. It has, however, been ascertained that, under the Law, a Court only can impose a fine on an employer for any breach of the Scheme and this power cannot be vested in an officer of the Board; the suggestion, therefore, is not practicable.

The Committee recommends that a Record Sheet should be maintained in respect of every employer and the warnings in writing given to him under Clause 36(1) (a) should be recorded in that sheet. If an employer is found guilty of an offence for which the penalty under Clause 36(1) (a) would be inadequate and that under Clause 36(1) (b) too heavy, the Chairman or the Deputy Chairman may record a censure in the Record Sheet advising the employer in writing that in the event of his being found guilty of a repetition of the offence for which he is being censured, the imposition of the next higher penalty, viz. "removal of his name from the employers' register" for a period to be determined by the Board will have to be considered. A provision for a censure in this manner may be made in the Scheme. Further, the Scheme should also provide for the permanent removal of the name of a registered employer from the employers' register in grave cases.

(ii) It has also been pointed out that in the case of workers also an intermediate penalty between 'suspension for a period not exceeding three days' and 'termination of service' is necessary as, in some cases, having regard to the service record of the worker or any other extenuating circumstances, the termination of service may be much too severe while suspension for three days will be totally ineffective. To cover such cases, it is recommended that sub-clause 2(d) of Clause 36 should, as an alternative to 'termination of service', provide for 'the removal of the name of the worker from the workers' register for a period not exceeding three months'.

(iii) The Schemes for Calcutta and Bombay contain a provision for suspension pending enquiry. It is recommended that this provision should be incorporated in the Scheme for Madras also. The Committee also considers that the payment of subsistence allowance to the worker under suspension, pending enquiry, should not be limited to the 'attendance wages' only and that it should be one-fourth of the total daily time-scale wage inclusive of dearness allowance, or the attendance allowance, whichever is more. The Chairman may have the discretion in exceptional cases to grant a higher subsistence allowance not exceeding half the total daily wage inclusive of dearness allowance for the suspension period in excess of over a month. Further, if the suspended worker is honourably acquitted he should be entitled to time-rate wages inclusive of dearness allowance that he would have earned had he not been under suspension. To determine the amount of such wages, the bookings actually obtained by the worker in his category available on the register just below him should be taken into account.

(iv) The Scheme does not provide specifically any penalties for inefficiency of workers which has been so much complained of. It

is suggested that a provision may be made in the Scheme to the effect that penalties leviable for acts of indiscipline or misdemeanour should also apply to cases of inefficiency. Apart from the disciplinary procedure, prescribed in Clause 36 of the Scheme, provisions should be made in Schemes for all the Ports to incorporate the disciplinary procedure and powers of the Chairman now vested in him *vide* Clauses 36-A and 40-A of the Calcutta Scheme, to enable him to deal with cases of 'go-slow' and take action in an 'emergency'.

926. The Committee considers that the Scheme should specifically vest in the registered employers full disciplinary powers in respect of monthly workers and it should be entirely their responsibility to take disciplinary action against monthly workers employed under them without prejudice to the powers of the Chairman under Clauses 36-A and 40-A of the Scheme.

927. The Scheme should provide that the maximum penalties which can be imposed by different authorities should be as follows:—

(1) *Chairman—*

All disciplinary powers against registered employers and registered Reserve Pool workers and the special powers under clauses 36-A and 40-A against all registered workers.

(2) *Deputy Chairman and Executive Officer—*

All disciplinary powers against registered employers and registered Reserve Pool workers excepting powers under Clauses 36-A and 40-A.

(3) *Personnel Officer—*

(i) Disciplinary powers against pool workers prescribed under sub-clause 36(2) (a), (b) and (c), *viz.*—

(a) to determine that, for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;

(b) to give him a warning in writing;

(c) to suspend him without pay for a period not exceeding three days; and to suspend a worker pending enquiry.

(ii) Powers against registered employers should be limited only to the warning in writing.

(4) *The Administrative Body—*

Powers will be restricted to those permitted to the Personnel Officer under sub-para 3(i) above.

928. Powers to deal with cases of inefficiency will vest in the Chairman and the Deputy Chairman only.

929. Clause 42 of the Scheme reads as under:—

"42. *Penalties*—A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not

exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid."

Employers' representatives have stated that the penalty of imprisonment provided in this clause is unduly harsh and uncalled for particularly in view of the nature of the offence which makes a registered employer liable for this penalty and the fact that the Dock Labour Board has powers to impose alternative deterrent penalties which may involve complete loss of business. They have requested that this penalty should be omitted from this clause and courts may impose a fine only. Members of the Committee representing labour interests are categorically opposed to the deletion of this penalty while the other Members are of the view that the request of the employers may be examined by the Government.

930. *Appeals.*—(a) Appeals by workers against the decisions of the Administrative Body and the Personnel Officer shall lie to the Deputy Chairman at Bombay and Calcutta and to the Executive Officer at Madras. Appeals against the decision of the Deputy Chairman or the Executive Officer, whether in original or on appeal, shall lie with the Appeal Tribunal. The decision of the Appeal Tribunal shall be final and there shall be no further appeal against its decision.

(b) Appeals by registered employers against the decision of the Personnel Officer shall lie with the Deputy Chairman at Bombay and Calcutta and the Executive Officer at Madras. Appeals against the decision of the Deputy Chairman or the Executive Officer, whether in original or on appeal, shall lie with the Chairman who shall forthwith refer the matter to the Central Government. The Central Government shall pass such orders on the appeal as it thinks fit.

931. The Committee is of the view that while a disciplinary procedure is essential for the day-to-day maintenance of the employer-employee structure of the stevedoring industry, the edifice of this industry can be strong and sturdy only if it is founded on mutual goodwill and understanding between the employers and employees. It is of paramount national importance that the employers and employees in this industry, as in other industries, should pull together to build the economy of the country. The Government representatives on the Dock Labour Board should be able to help in the creation of a favourable atmosphere and pleasant relations so that all concerned realise that they have one common composite objective—greater efficiency and productivity to achieve quicker turn-round of vessels and better conditions for workers whose happiness is necessary for the mutual prosperity of employers and employees.

CHAPTER X

WAGES AND ALLOWANCES

1001. Wages, allowances and other conditions of service of registered dock workers are, under clause 33 of the Scheme, prescribed by the Dock Labour Board. There are, however, statutory provisions under clauses 23 and 24 prescribing a guaranteed minimum wage at least for 12 days in a month at the wage rate, inclusive of dearness allowance and an attendance wage at the rate of Re. 1 per day for the days on which no work is found for a dock worker.

1002. In reply to the questionnaire regarding desirability, or otherwise, of revision of wages, introduction of a piece rate system of payment or any other incentive bonus method, the Committee has received a variety of answers from different organisations interested in this matter.

1003. At Bombay the Stevedores Association, the Liners' Conferences, the Chambers of Commerce and the Port Trust officials are unanimously of the view that the introduction of piece rate system is one of the most effective means of increasing the output of labour and improving the turn-round of ships. The Indian National Steamship Owners Association has expressed the view that output of the worker is not commensurate with the wages and other benefits now given. According to this Association:—

“The present wage structure must be completely replaced with a piece rate system of wages, i.e., a system of payment by result. The wage must be linked to output. Reasonable datum lines must be fixed by the Board and adhered to strictly by the workers. The criterion for fixing the datum line should not be the present output nor need it be the maximum potential capacity of the workers. It can be fixed at a reasonable level after taking into account the normal output of the workers during war and pre-war years as well as the years immediately preceding the introduction of the Scheme. There should be a certain minimum wage guaranteed to the workers and this should be somewhat less than the present normal wage which the worker would get if he works up to the datum. For working over and above the datum line, the incentive bonus Scheme shall be operative. A penalty must be imposed for output less than the datum line *pro rata* the minimum wage, while for showing an output above the datum line, the incentive bonus may be fixed, if necessary, at double the minimum wage rate. Only such a piece rate system of wages will provide the necessary incentive to workers to show reasonable output, and it will not only be in the interest of port efficiency, the shipping industry, the trading community and consumers generally, but will also be in the interest of the workers themselves. Such a system is also bound to create better co-operation between the different categories of labour engaged in a particular operation.”

1004. The Bombay Stevedores Association Ltd., also advocated the adoption of the piece rate scheme which they had proposed to the Industrial Tribunal referred to in para 238. The main features of this proposal are that:—

“the wages should be linked to the datum lines so that labour would be paid the same total emoluments split into basic and dearness allowance as at present, provided that the output indicated in the datum lines is accomplished by the workers. For any work in excess of the datum lines the stevedore labour should be paid double basic wages and dearness allowance calculated in the proportion which their present remuneration bears to the datum line production. If, on the other hand, there is a short fall in output below the prescribed datum lines the workers will be paid only *pro rata* wages based upon their present emoluments linked to the datum line output”.

1005. At Calcutta, the Master Stevedores Association, all the Shipping Companies, the Chambers of Commerce, and the Port authorities have recommended piece rate system as one of the effective solutions for improvement of work. The Calcutta Stevedores Association is of the opinion that a piece rate system is not feasible.

1006. The Madras Stevedores Association and the Madras Straits Conference favour the introduction of a piece rate system. The Madras Chamber of Commerce suggests that piece rate system should be introduced in respect of simple homogeneous cargo only

1007. The labour interests generally are opposed to the introduction of a piece rate system for wages but they all support the payment of an incentive bonus. Their objection to the piece rate system is based on the following arguments:—

- (a) The nature of stevedoring work, i.e., loading and unloading of cargo, does not lend itself to the operation of a piece rate system linking the wages earned by a worker to his individual output, as the individual effort of every worker concerned in this case is not determinable and the total output not only depends upon the joint and co-operative effort of a group but of different groups working together, who are not under the same employer or under the same conditions. Whilst the stevedore workers are employed and supervised by stevedores, the shore workers are employed and supervised by the Port Authority with conditions of service different from those of stevedore workers.
- (b) It is not possible to assess exactly the quantum of output of a unit and as the amount of wages will depend upon quantum of output, workers will suffer if the measurement of the output is less than the actual output. This will give cause for a number of disputes.
- (c) A piece rate system of payment always tends to sweating of labour, unsafe practices and affects adversely the health of workers.

1008. Piece rate systems of payment have already been applied with success to stevedore labour in different countries, such as United Kingdom, New Zealand and Denmark. In U.K., according to the I.L.O. publication "Stabilisation of Dock Workers' Earnings", 98 per cent. of dock workers are employed on a piece rate basis. A piece rate basis has also been accepted by the employers and workers at Cochin Port. The suggestion that the stevedoring work does not lend itself to a piece rate system, therefore, is not valid.

1009. Payments to a very large proportion of shore labour, employed by the Port authorities, Calcutta and Madras, are being made on the basis of a piece rate system and no difficulties have been experienced in assessing the quantum of output and making payments to workers on that basis. The number of disputes has been negligible. It will, therefore, not be correct to reject the suggestion to introduce piece rates on the plea that a correct assessment of the quantum of output per shift cannot be made.

1010. As regards 'sweating of labour' it should be feasible to devise a system which should not call forth the maximum working potential of a worker to earn a normal daily wage and also to ensure that a worker will not drive any gain by working beyond a certain limit so that the temptation to 'sweat' and unconsciously to impair his health is eliminated. A certain amount of supervision is always required to ensure that unsafe practices are not resorted to; if necessary, the emphasis on this aspect of supervision may be increased and it should not be difficult to do so especially as the degree of supervision to ensure that workers do not remain idle, will be appreciably lessened when a piece rate system is introduced.

1011. Some extracts from "Payment by Results" published by the International Labour Office, Geneva, which are particularly relevant in this context are reproduced below:

"System of payment by results are now widely used in many countries and increasing recognition of the need to raise the productivity of labour has led to a growing interest in the possibilities of such systems". (Introduction).

"Various Governments, employers' and workers' organisations, and other bodies have stated, on the basis of the information at their disposal, that in many industries workers paid by results generally earn more than workers on time work in the same occupation or trade, or that the introduction of systems of payment by results has led to increased earnings for the workers". (Page 120).

"It was stated that relations had, in most cases, improved because the workers had been able to earn more and because they had a common interest with management in increasing production. The most favourable results were obtained where management and workers helped each other through joint management-worker committees to devise ways and means of increasing production. Another reason for the improvement in relations was that workers did not require so much supervision as on time work". (Page 148).

"According to the information available concerning the effects of systems of payment by results, these systems have, in the great majority of cases, led to increased output, higher earnings for the workers and lower costs.

"Adverse effects on relations between management and workers or trade unions, on the health and safety of the workers or on the quality of products are reported in only a few cases". (Page 149).

"The immediate object of systems of payment by results is to provide workers with a financial incentive to improve their individual or group effectiveness or performance within reasonable limits". (Page 177).

1012. These observations are based on a thorough study of the problem by an International body of experts and on the unanimous judgment of a group of experts with wide experience drawn from Employers, Trade Unions and independent circles from nine different countries, including India. It will be clear from them that a piece rate system of wages is equally of advantage to the workers also. Certain safeguards, particularly from the point of view of workers, will be necessary and, if need be, it should not be difficult to evolve a system which should be acceptable to all reasonable parties.

1013. Having regard to the facts that have emerged during this enquiry, it cannot be disputed that the present system of time rate wages, even though linked with an incentive bonus in one Port, has been totally ineffective in securing reasonable productivity from workers. The Committee is of the view that it is against national interests to permit the continuance of any system or practice which makes for idleness or gives workers the unfortunate feeling that they can be sure of their normal daily wages without fully working for it and earning it, and that it would be equally against national interests to allow any set of conditions to continue which might make employers callous or indifferent towards the welfare of workers. The Committee considers it essential that in order to ensure a reasonable output from workers and minimise the possibilities of the turn-round of ships in Indian Ports not being maintained at an acceptable level of efficiency in future, wages paid to workers employed in connection with loading and unloading of cargo must be linked with productivity and a system of 'payment by results' should replace the present system of time rate wages. It will also be desirable to provide for an 'Incentive Bonus' in the system.

1014. To achieve the objective, set out in the preceding paragraph, the Committee recommends that—

- (a) Norms for productivity in respect of cargoes of different kinds, and/or Lines and/or Zones, should be determined by a special Committee to be appointed by the Dock Labour Board consisting of representatives of employers, shipping companies, workers, the Port authorities and a nominee of the Central Government. These norms should be fixed after giving due consideration to all relevant factors and local conditions including past performances in normal periods free from disputes between workers and

the employers. The norms should be reasonably less than the maximum working potential of the workers. If any recognised norms are already in existence they may be adopted. Should the Committee be not able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Dock Labour Board may determine such norms and submit them to the Central Government for their approval. The norms may be called the 'Standard output'. To be entitled to the normal time rate wage, a gang of stevedore workers should produce the standard output during a standard shift. If the durations of the shifts vary, the standard output for different shifts may vary proportionately.

- (b) Workers producing more than the standard output should be entitled to an 'Incentive Bonus' on a scale to be determined by the Dock Labour Board. In order that labour may not "sweat", the Dock Labour Board may prescribe the maximum tonnage beyond which no incentive bonus payment will be due.
- (c) The Dock Labour Board may also allow a special "target bonus" to be paid at the end of each month to workers who consistently have produced the standard output but have not been able to earn incentive bonus.
- (d) Workers who fail to produce a standard output in more than 50 per cent. of the shifts worked by them should be liable to disciplinary action for inefficiency.
- (e) Each Dock Labour Board should devise a suitable scheme which, *inter alia*, should relate the quantum of wages earned to the actual output of workers when they do not produce the standard output subject to the conditions:—
 - (i) that a worker will be entitled to the normal daily time rate wage only if he produces the standard output;
 - (ii) that the daily wage earned by a worker should in no case be less than a guaranteed minimum wage which shall be equivalent to three-fifth of his normal time rate wage.
- (f) The Scheme for payment by results prepared in accordance with (e) above, should provide that a worker should be entitled to the normal time rate wage for any period or periods for which loading or unloading may be held up for reasons beyond the workers' control, such as, inclement weather or non-availability of cargo in case of export, or completion of work before the expiry of the full shift period.
- (g) The Scheme should be submitted to the Central Government for approval before it is implemented. Should the Dock Labour Board fail to submit a scheme to the Central Government within three months of the direction from the Central Government to do so, the Government may prepare a scheme and direct the Dock Labour Board concerned to implement that.

- (h) All the foregoing provisions will apply to the Monthly workers also for determining their wages on the days they work, and for the balance of the days, for which they are entitled to payment, they will draw wages on a calculated daily time rate.

If any direction, action or failure of an employer or his representatives is likely to result in the output being adversely affected, it will be the duty of the head of the stevedoring gang to bring that to the notice of the Foreman immediately. On receipt of such a report the Foreman must immediately advise the official of the Dock Labour Board appointed to deal with such reports. The head of the gang may also report to this official after having reported to the Foreman.

1015. The following procedure is detailed as a model of a method to determine the wages of a worker when his production is less than the standard output as required under paragraph 14(e) above.

Suppose :—

- (1) The number of workers in a gang, including a winchman, if any, entitled to wages under piece rate $= n$
 - (2) The daily wages including dearness allowance of the lowest paid worker in the gang $= w$
 - (3) The difference in the daily inclusive wages of other workers in the gang and the lowest paid worker may be expressed as $d\ 1, d\ 2, d\ 3, \text{ etc.}$
 - (4) The standard output per shift $= S$ Tons.
 - (5) Actual output in the particular shift $= P$ Tons.
 - (6) The basic piece rate per ton for the gang will be
$$\frac{w \times n}{S}$$
 - (7) The basic piece rate per worker per ton will be
$$= \frac{w \times n}{S \times n} = \frac{w^*}{S}$$
 - (8) Daily wages payable to the lowest paid worker on the basis of actual production will be
$$= \frac{W \times P}{S} = \frac{WP^\dagger}{S} = R.$$
- $\left\{ \begin{array}{l} * \text{ To be rounded off to the nearest pie.} \\ \dagger \text{ To be rounded off to the nearest anna.} \end{array} \right\}$
- (9) The wages payable to the lowest worker calculated as in (8) will be subject to a guaranteed minimum wage equal to 3/5th of the daily time rate wage.
 - (10) Wages payable to other workers in the gang will be
$$= R + d_1, R + d_2 \text{ and so on.}$$

To clarify the operation of this formula, two examples are given below:—

Example 1—

The standard output for a particular type of cargo is 45 tons but a gang consisting of one Sirdar, one Mate, four Kamalias and three Rolias working with one Winchman handles 40 tons in a particular shift. The time rate wages

inclusive of dearness allowance, and their difference with the wage of the lowest paid worker are as given below:—

Existing time rate wages at Calcutta are:—

Category	Time rate daily wage	Difference with Rolia III
1	2	3
	Rs. as. p.	Rs. as. p.
Sirdar	8 4 0	3 8 0
Mate	6 4 0	1 8 0
Kamalias I & II	5 12 0	1 0 0
Kamalias III & IV	5 5 0	0 9 0
Rolias I and II	4 13 0	0 1 0
Rolia III	4 12 0	..
Winchman	5 12 0	1 0 0

$n = 10$

$w = \text{Rs. } 4-12-0.$

d_1, d_2 etc. will be as shown in column 3 above.

$S = 45$ tons.

$P = 40$ tons.

The basic piece rate per ton for the gang is $= \frac{w \times n}{S} = \frac{\text{Rs. } 4-12-0 \times 10}{45}$
 $= \frac{760}{45} \text{ annas.}$

The basic piece rate per ton for the lowest category i.e. Rolia III is $= \frac{w \times n}{S \times n} = \frac{45}{S} \frac{76}{45} \text{ annas.}$

$$= \frac{31}{45} \text{ As.} = \text{Re. } 0-1-8 = \frac{4}{15}$$

Rounded off to the nearest pic $= 20$ pies.

Daily wages payable to Rolia III will be $= \frac{W}{S} \times \frac{W}{S}$
 $= 20 \times 40 = 800 \text{ pies.}$
 $= \text{Rs. } 4-2-8.$

Rounded off to nearest anna $= \text{Rs. } 4-3-0.$

Wages of Rolias I and II will be $= \text{Rs. } 4-3-0 + 1 \text{ anna.} = \text{Rs. } 4-4-0.$

Wages of Kamalias III and IV will be $= \text{Rs. } 4-3-0 + \text{As. } 9 = \text{Rs. } 4-12-0.$

Wages of Kamalias I and II will be $= \text{Rs. } 4-3-0 + \text{Re. } 1-0-0 = \text{Rs. } 5-3-0.$

Wages of the Mate will be	= Rs. 4-3-0 + Rs. 1-8-0 = Rs. 5-11-0.
Wages of the Sirdar will be	= Rs. 4-3-0 + Rs. 3-8-0 = Rs. 7-11-0.
Wages of the Winchman will be	= Rs. 4-3-0 + Re. 1-0-0 = Rs. 5-3-0.

Example II—

The same gang handles only 25 tons of the same cargo during a particular shift. The basic rate per worker per ton will be the same as in the previous example, namely 20 pies per ton.

Wages payable to the lowest paid worker
on the basis of actual production of 25 tons
will be $20 \times 25 = 500$ pies
= Rs. 2-9-8

Rounded off to nearest anna will be = Rs. 2-10-0
The guaranteed minimum wage i.e. 3/5th
of the Rolia III's pay is = 3/5 of Rs. 4-12-0
= Rs. 2-13-7
Rounded off to nearest anna = Rs. 2-14-0

Since the wages actually earned are less than the guaranteed minimum wage, the wages payable will be the guaranteed minimum wage, namely Rs. 2-14-0 to the Rolia III and the wages payable to the others—Rs. 2-14-0 plus their differentials, i.e.—

Rolias I and II will get	= Rs. 2-14-0 + 1 anna = Rs. 2-15-0.
Kamalias III and IV will get	= Rs. 2-14-0 + Re. 0-9-0 = Rs. 3-7-0.
Kamalias I and II will get	= Rs. 2-14-0 + Re. 1-0-0 = Rs. 3-14-0.
The Mate will get	= Rs. 2-14-0 + Rs. 1-8-0 = Rs. 4-6-0.
The Sirdar will get	= Rs. 2-14-0 + Rs. 3-8-0 = Rs. 6-6-0.
The Winchman will get	= Rs. 2-14-0 + Re. 1-0-0 = Rs. 3-14-0.

It follows that for shifts when a gang does 3/5th or less than the 3/5th of the standard output, different workers will be entitled to wages which will be equal to the guaranteed minimum wage for the Rolia III plus their respective differentials.

1016. The Committee considers it extremely desirable that shore workers employed for loading and unloading of cargoes must also be brought under a piece rate system of wages where this is not so at present and that this must be done immediately in respect of the cranemen in particular.

1017. The Committee does not propose to go into the question of rates of wages for daily or monthly workers as they have to be ultimately determined by the Dock Labour Boards. Without in any way commenting upon the quantum of the daily wages of the pool workers at Calcutta, it may be pointed out that the proportions of the basic wage and the dearness allowance constituting the total daily wage of a pool worker at Calcutta are not well balanced, for instance, the basic wage of a Rolia III is Rs. 1/8/- and the dearness allowance is Rs. 3/4/- .

1018. Representations have been made on behalf of workers that the minimum number of days for which wages should be guaranteed to a worker, whether he gets employment for those days or not, should be increased from 12, as laid down at present in clause 23 of the Scheme. The increased number asked for ranges from 18 to 26 days in a month. The reason given for the increase is that 12 days' wages are not sufficient for a month's living and the guaranteed minimum wages should be enough to provide a month's living and should not be less than Rs. 100/- per mensem, which has been demanded by all central Labour Organisations in the country. The Committee considers that the object of prescribing a minimum number of days in a month for which wages should be guaranteed cannot be to put a worker, who gets occasional employment, at par, in respect of wages, with another who works daily or almost daily.

1019. The Committee is also unable to accept that the minimum wages which a dock worker must get, irrespective of any other consideration, should not be less than Rs. 100/- p.m. Dock workers cannot be singled out to be entitled to any ideal minimum wages without any regard to other relevant and vital considerations. The acceptance and implementation of an ideal for the country can be taken up at the national level only and the Committee cannot arrogate to itself the responsibility to accept and apply an ideal in isolation to the Port Transport Industry only irrespective of consequences.

1020. The Committee, however, feels that dock workers' earnings should be stabilised progressively at higher levels so that wages in any month suddenly do not go below a standard which they might have, on an average, reached during the last year or before. The Committee, therefore, accepts the desirability of raising progressively the minimum number of days in a month for which wages should be guaranteed until a guarantee of 21 days is reached. The increase, however, should, definitely, be related to the quantum of total employment available in the docks and the wages which, on the basis of average employment, workers in the pool may expect. With this end in view, the Committee recommends that the minimum number of days guaranteed for wages every month should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:—

- (a) Suppose an assessment is being made in the month of October, 1955, the average total number of pool workers in the lowest categories (namely Kamalias and Rolias at Calcutta, junior and senior stevedores at Bombay and Mazdoors at Madras) during the 12 months ending 30th September, 1955, should be ascertained. This will include workers on leave or absent but whose names are still borne on the Reserve Pool Register.
- (b) The total wages earned including leave allowances, but excluding payments made on account of minimum guarantee, attendance allowance, incentive bonus, overtime or any other allowances paid to those workers in the 12 months ending 30th September, 1955, should be calculated.

- (a) The total wages under (b) should be divided by the total number of such workers on the register as under (a) to arrive at the average annual wages earned by a pool worker on the register in these categories.
- (d) The figure arrived at under (c) divided by 12, will give the average monthly earnings of a pool worker in these categories.
- (e) The average of daily wages in respect of the various workers in these categories should be worked out.
- (f) The average monthly wages as in (d) divided by the average daily wage as in (e) will give the average number of days in a month worked by a pool worker in these categories on the register.

The number arrived at in (f) above may be fixed as the minimum number of days for which wages may be guaranteed for the next 12 months ending 30th September, 1956. For clarification, an example is given below:—

At Calcutta Kamalias and Rolias are the lowest categories of workers.

2 Kamalias I and II get	Rs. 5-12-0 × 2 = Rs. 11- 8-0
2 Kamalias III and IV get	Rs. 5-5-0 × 2 = Rs. 10-10-0
2 Rolias I and II get	Rs. 4-13-0 × 2 = Rs. 9-10-0
1 Rolia III gets	Rs. 4-12-0
	<hr/> Rs. 36- 8-0

$$\begin{aligned} \text{Average of daily wage per worker} &= \frac{\text{Rs. } 36-8-0}{7} = \text{Rs. } 5-3-5 \\ &= \text{Rs. } 5-3-6 = \frac{\text{Rs. } 167}{32} \end{aligned}$$

Suppose:—

The average total number of Kamalias and Rolias on the reserve pool register between 1st October, 1954 to 30th September, 1955 = 4000

Total wages earned by these workers excluding minimum guarantee, attendance allowance or any incentive bonus during the 12 months ending 30th September, 1955 = Rs. 37,00,000

Total average wages earned by each worker in these categories Rs. 37,00,000 on the register during 12 months ending 30th September, 1955 = $\frac{37,00,000}{4,000}$

Average total wages per month earned by these workers = $\frac{\text{Rs. } 3,700}{4 \times 12}$

Average daily wages of these workers as worked out above = $\frac{\text{Rs. } 167}{32}$

Average number of shifts worked per worker in these categories in a month during this period = $\frac{3,700}{4 \times 12} \times \frac{32}{167} = \frac{7400}{501} = 14.7$

After rounding off to nearest day = 15

The minimum number of days in a month for the next twelve months for which wages will be guaranteed will then be 15.

1021. Although this average has been calculated for the lowest categories of workers only, it will apply to all the categories of stevedore labour, namely, Sirdars, Mates, Tindals and Winchmen etc. etc. If a new category is registered, the minimum guarantee for that, to start with, will be determined as has been provided in the principles relating to the registration of new categories mentioned in paragraph 811.

1022. Similar calculation should be made in October, 1956, and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

1023. While deciding the question of additional recruitment under any category for meeting additional demands of work, the Dock Labour Boards must always bear in mind the repercussions which such additional recruitment may have on the average employment of workers which, as already stated, should be progressively improved.

1024. As regards the attendance wage, laid down in clause 24 of the Scheme, it has been suggested on behalf of workers that it should be increased to Rs. 2/- per day or to the daily rate of dearness allowance instead of Re. 1/- per day as at present. The increase is asked mainly on the ground that Re.1/- is often spent by workers coming to prove attendance, particularly, when they have to wait at the Call Stand in order to attend the next call. This particularly applies to Calcutta where, it is said, workers have to wait for three to four hours to have their attendance cards marked. The Committee considers that it is neither necessary nor desirable to increase the quantum of attendance wage which should remain at Re. 1/- as at present. The Dock Labour Boards, particularly the Dock Labour Board, Calcutta, should take steps to improve the organisation in regard to booking so that a worker is normally required to attend the Call Stand only once a day and has not to wait for more than an hour to get his attendance marked. The Committee is further of the opinion that so long as a registered daily worker fulfils his obligations under clause 29 there need be no ban on his seeking occasional employment elsewhere while he is not allocated for work to a registered employer.

1025. The Bombay Dock Labour Board has framed rules for payment of gratuity. The Committee recommends that the Calcutta and Madras Dock Labour Boards should also provide for payment of gratuity to registered workers.

1026. The Madras Dock Labour Board should also have a Provident Fund Scheme as has already been done at Bombay and recently at Calcutta. It has been suggested on behalf of workers that the Provident Fund deductions and contributions should not necessarily be on the basis of their daily time rate earnings but should be on the basis of actual earnings including any incentive bonus. This request may be considered by the Boards.

CHAPTER XI

OTHER IMPORTANT ASPECTS

(Shifts, Overtime, Weekly off, Holidays and Holiday work, Cost of operation of the Scheme and Levy, Workers Welfare Fund, Exemption from Taxation, Illegal gratification, Objects of the Scheme, Institution of Stevedores, Productivity and Turn-round statistics, Central Co-ordination).

Shifts

1101. Details in regard to shift working at the three Ports have already been given in Chapter II. At Bombay, there are two normal shifts and one extra shift at night with intervals between them. At Calcutta, there used to be two shifts with intervals between them but at the instance of the Committee three shifts in continuity have been introduced there with effect from the 25th April, 1955. The third shift, however, is optional with employers but it has been working throughout. At Madras, there are two shifts with a small interval between the closing of the first shift and starting of the second.

1102. Intervals between shifts generally necessitate closing of hatches at the end of one shift and their reopening when the following shift begins to operate. This had resulted in loss of effective working hours and in encouraging workers to leave early. If a third shift had been working at Calcutta where labour supply has been more than ample, the turn-round of ships would have been a little better as has been the experience in May and June 1955. At Madras there being no third shift, workers have frequently been called upon to work overtime in continuation of the second shift.

1103. The Committee recommends that at each of the three Ports there should be three shifts round the clock with no interval between them; of these two should be compulsory and the third optional for the employers subject to the approval of the Port Authorities, that is to say, an employer can ask for the supply of labour for the third shift whenever he considers a third shift necessary provided the Port Authorities agree. Should the Port Authorities consider that any vessel must work on a third shift on any particular day, they may call upon the employers to work the third shift and the stevedore concerned will have to comply with this demand. The actual working hours of shifts may be determined by the Dock Labour Boards in consultation with the Port Authorities.

1104. Clause 21(2) of the Scheme lays down:—

“(2) Workers will not ordinarily be employed in two consecutive shifts in a day and in no case will workers on the

Monthly Register be employed on a second shift so long as workers in a similar category are available on the Reserve Pool Register for work in that shift".

Although according to this Clause a worker should not ordinarily be employed in two consecutive shifts, in actual practice it has not been followed strictly either at Bombay or at Calcutta. At Bombay, due to shortage of workers in the reserve pool, particularly, before 1st May, 1955, it was not infrequent for workers to be called upon to work in two consecutive shifts. In Calcutta the position in regard to winchmen was also about the same. At Madras there have not been many cases of workers having to work in two consecutive shifts. It is extremely desirable that normally a worker should not be called upon to work in two consecutive shifts, but the exigencies of work may sometimes necessitate the employment of a worker in two consecutive shifts even under a very well regulated system, particularly, when the proportion of absentees becomes suddenly high. Nevertheless, the aim should be to avoid it as much as possible. There should, however, be a mandatory ban on the employment of a worker in three consecutive shifts. It appears that there have been cases when workers have worked in three consecutive shifts. This must no longer be permitted on any account.

1105. No ceiling has so far been prescribed for the number of shifts that a pool worker can be allowed to work in a week or in a month. A monthly worker's employment is restricted to 26 shifts in a month. This restriction has generally been rigidly applied although there have been infringements. This restriction on monthly workers also has, in some cases, necessitated the employment of pool workers in two consecutive shifts. Pool workers in Bombay have sometimes worked for 60 shifts or even more in a month. The Committee recommends that pool workers should not be allowed to work more than 9 shifts in a week or 33 shifts in a month. Further, when pool workers who have not reached this maximum limit of employment are not available, monthly workers may also be employed upto 9 shifts in a week or 33 shifts in a month. Should these arrangements necessitate a monthly or a pool worker having to work in two consecutive shifts he should be treated as having worked in two separate normal shifts and not deemed as having performed overtime work.

1106. The Chairman, Dock Labour Board, may, however, in emergent circumstances allow a general relaxation in the ceiling mentioned above but such a condition should not be allowed to continue for any length of time and steps must be taken immediately so that the employment is brought within the maximum permissible. Temporary registration of workers may be one of such steps. If temporary registration or permanent additional recruitment has to be done to avoid both pool and monthly workers having to work more than the maximum number of shifts permitted in a week or a month, the number of workers temporarily registered or permanently recruited should be so adjusted that the chances for employment of the then existing workers during a month may not go below 26 shifts.

1107. Sometimes when workers have to work for two consecutive shifts in particular circumstances, such as at Bombay for unloading consignments of ammunition, explosives etc. in the stream, it may so happen in some cases that the second consecutive shift may be in excess of ceiling of 9 shifts per week or 33 shifts per month. The Chairman, Dock Labour Board, in these special circumstances may authorise an exception to the ceiling rule in case of those particular workers on that particular occasion. Such a provision is considered necessary for expeditious unloading of ammunition and explosives, etc. etc.

Overtime

1108. No provision has been made in the Scheme to regulate overtime work and complaints have been made that workers have sometimes refused to work overtime, with the result that ships scheduled to sail at a particular time were detained. It has also been stated that the employers at Madras had made the workers do overtime work for long hours in continuation of the night shift after 1-45 A.M., occasionally right upto the commencement of the morning shift.

1109. The Committee considers that, as far as possible, overtime work should be discouraged but at the same time it realises that exigencies of work or the desirability to enable ships to keep their sailing schedules would sometimes make overtime work unavoidable. It is, therefore, necessary to make a provision in the Scheme so that neither the workers can refuse to work overtime, nor the employers can ask workers to do overtime work beyond reasonable limits. The Committee recommends that normally overtime work should be permitted in respect of finishing ships only and it should not exceed two hours at a time. In exceptional circumstances, the Chairman, Dock Labour Board, may allow exceptions both in regard to the time and the reasons for working overtime. The rate at which overtime work should be paid at any Port should be decided by each Dock Labour Board in the usual manner.

Weekly Off

1110. Pool workers at Bombay and Calcutta do not have a weekly off day, while at Madras, they are given a weekly off but without pay and on a staggered basis. The employers as well as workers are of the opinion that every worker should have a day's rest after working for six consecutive days. The Committee concurs in this view. The employers, however, consider that the weekly off should be without pay so that workers always appreciate that they earn wages only when they work. They, further state that the wage structure for industrial workers should be based on this concept and if a particular amount is considered as an equitable wage for a whole week for a worker it should be divided by six to fix his daily wage and the seventh day off should be without pay. The workers' Unions have unanimously asked that the weekly off should be with pay. One Union at Bombay and another at Calcutta further desired that the weekly off should not be staggered and Sunday should be an off day for all workers.

1111. Having given careful consideration to the views of all concerned on this subject, the Committee recommends that every

worker should be given a weekly 'off' on the 7th day if he has worked for six consecutive days and that the 'off day' should be staggered for 'daily' as well as 'monthly' workers so that the dock work goes on normally on all days including Sundays; workers who have not worked for six consecutive days need not have any weekly off. The Committee cannot see its way, at present, to recommend that this weekly off should be a paid off. It is, however, recommended that the position may be reviewed by each Dock Labour Board after a reasonable period and if it is found then that the desired improvement in the output of labour has been achieved and sustained, the question of making the weekly off day a 'paid off day' may be favourably considered by the Board.

Holiday and Holiday work

1112. At Bombay there are 12 holidays in the Docks in a year and since August 1953 all these holidays are closed days for the Port. The Pool workers do not get any payment for these days. At Calcutta there are 19 holidays of which six are closed days for which also Pool workers do not get any payment. At Madras there are no holidays for Pool workers and there are no closed days either.

1113. At all the three Ports the Monthly workers are allowed holidays or compensatory leave in different ways by different employers.

1114. In regard to Bombay, the shipping companies and employers have protested strongly against the stoppage of work for 12 days in a year. The workers' Unions do not see anything wrong in the present position, but have remarked that a worker who is required to work on holiday, should be paid at double the normal rate including dearness allowance. One Union has, in addition, wanted a compensatory day off for working on a holiday over and above the double payment. The Shipping Companies have complained about too many closed holidays at Calcutta also, but the workers have wanted that all the holidays should continue and that these should all be paid holidays. At Madras the workers' Unions have also asked for paid holidays.

1115. The Committee considers that while each Port may have certain closed holidays, as may be decided by the Dock Labour Board, the number of 12 closed days at Bombay is excessive. The number of closed days in any Port should not be more than six in a year which may include the three national holidays, i.e., Independence Day, Republic Day and Gandhiji's Birthday. The Dock Labour Board, Bombay, should take steps to reduce the number of closed days to within this limit.

1116. The Committee also recommends that out of the days recognised as holidays by the Dock Labour Boards, 8 days in a year may be treated as paid holidays for workers i.e. workers enjoying these holidays should receive a normal day's wage for each day. The paid holidays should include all the closed days for the Port to be decided by the Dock Labour Board. The workers may choose any other recognised holidays to make up the total number of 8 paid holidays in a year, but it should be ensured that the port does not remain closed for more than 6 days in a year.

1117. The Committee further recommends that workers required to work on recognised holidays, which are not treated as paid holidays, should be paid according to the existing practice in each Port and that the payment made for the paid holidays or for working on any of the recognised holidays should not count towards the guaranteed minimum wages under clause 23 of the Scheme.

Cost of Operation of the Scheme and Levy

1118. The responsibility for working the Schemes vests in the respective Dock Labour Boards. The expenditure incurred by them can broadly be divided under the following three heads:—

- (1) Statutory payments which include wages, dearness allowance, overtime, guaranteed minimum wages, attendance wages, disappointment money, leave wages etc. etc.
- (2) Administrative and establishment charges.
- (3) Special benefits granted to workers by the Board in addition to those prescribed in the scheme, such as, provident fund, gratuity and amenities. Till recently the Bombay Dock Labour Board only has been granting the provident fund benefits to the workers, but lately a scheme in this respect has also been introduced at Calcutta.

1119. The expenditure of the Dock Labour Boards for the year 1954-55 under these heads was as follows:—

Heads	Bombay		Calcutta		Madras	
	Rs. (in lakhs)	Percentage to total	Rs. (in lakhs)	Percentage to total	Rs. (in lakhs)	Percentage to total
(1) Wages, overtime, attendance, guaranteed minimum wages, etc.	49.83	92.6%	91.48	89.7%	6.22	88.0%
(2) Administrative cost	2.60	5.0%	10.53	10.3%	0.85	12.0%
(3) Other benefits (Provident Fund)	1.32	2.4%	..	..	..	..
TOTAL	53.75		102.01		7.07	

The ratio of the expenditure under administrative and establishment items to the total expenditure at Bombay, Calcutta and Madras during 1954-55 was at 5%, 10.3% and 12% respectively. Another way of comparing the administrative cost at the three Ports will be to ascertain the cost per hundred registered workers. At the end of 1954, there were 4,442, 10,643 and 1,390 registered workers at Bombay, Calcutta and Madras respectively; the administrative cost per hundred registered workers for Bombay, Calcutta and Madras works out at Rs. 5,853, Rs. 9,894 and Rs. 6,150 respectively.

Normally, the administrative cost per hundred registered workers should tend to be less when the total number of registered workers is larger, but at Calcutta where the largest number of registered workers are employed, the administrative cost per hundred registered workers is, on the contrary, the highest. The Dock Labour Board, Calcutta, may examine the position with a view to seeing what economies are possible

1120. The source of income of the Dock Labour Boards is mainly the "levy" payable by stevedores at a prescribed percentage on the gross wages in respect of the registered workers employed by them. The rates at which the levy has been imposed by the Dock Labour Boards have varied from time to time as mentioned in Chapter II. The surplus of accumulative income over the accumulative expenditure from the inception of the Scheme, as it stood on the 31st March, 1955, was about Rs. 31 lakhs at Bombay, 22 lakhs at Calcutta and 32 thousands at Madras. It was stated during the evidence before the Committee that some Dock Labour Boards had been charging the levy at unnecessarily high rates and accumulating large reserves and it was suggested that the Dock Labour Boards should not attempt to accumulate reserves and the levy should be fixed in such a manner so that, after the current expenditure has been covered, just a small margin is left over. The Committee, while agreeing that the levy should not be fixed at a high percentage merely for building progressively a large reserve, must point out that each Dock Labour Board should have a reasonable financial reserve to provide against any unfavourable position which may arise from a sudden or sharp slump in the business of the Port and consequent depression in the stevedoring industry. The present reserves at Bombay and Calcutta will be considerably reduced when some of the schemes involving fairly high capital expenditure under contemplation of the Dock Labour Boards are taken in hand.

1121. According to one of the Stevedores' Associations at Calcutta, the cost of operation of the Scheme would have been lower if booking had been done rating-wise instead of gangwise and had casual vacancies been filled strictly according to Clause 22 so that the payment of guaranteed minimum and attendance wages to a large number of workers would have been avoided. Further, according to them, the lifting of monthly gangs has not only meant heavy expenditure in the shape of guaranteed minimum and attendance wages to pool workers, but it has also been unfair to the smaller stevedores because they cannot maintain monthly gangs and the stevedores having monthly gangs get the benefit from the Board of the sums payable as provident fund and leave pay on account of monthly gangs employed by them. The other Association as well as the shipping interests have, on the other hand, complained that the levy of the same percentage on the gross wages of monthly workers held by stevedores is not fair to the latter as, while such stevedores provide for the other benefits for the monthly workers, the money realised for employment of monthly labour from them is utilised for benefits given to pool workers. As stated earlier, the Committee is of the opinion that gang formations make for better efficiency and should be encouraged. As regards filling casual vacancies, the recommendations already made by the Committee should remove the cause for complaint mentioned above. The other arguments

from either side would not appear to have taken into consideration the fact that the Dock Labour Board reimburses to the Stevedores holding monthly gangs the amounts payable as provident fund and leave benefits, the other amenities being provided or to be provided by the Dock Labour Boards, are the same for both monthly and pool workers. The Dock Labour Boards, however, have the power to prescribe differential rates of Levy for Monthly and Pool workers.

1122. The Committee is satisfied that the levy charges, so far decided by the Dock Labour Boards from time to time, have not been unreasonable having regard to the actual requirements and that the adjustments called for were made.

1123. It has come to the notice of the Committee that at Calcutta a large sum of money due from a stevedore on account of wages and levy could not be recovered. At Bombay there is a system according to which every stevedore has to deposit with the Dock Labour Board cash or securities to the extent of 15 days' average wages payable by the respective stevedore to the workers employed by him and every stevedore makes weekly payment of wages and levy due from him. The Committee recommends that the Calcutta and Madras Dock Labour Boards also should take some effective steps on similar lines so that losses on account of non-payment of wages and levy by defaulting employers are avoided.

Workers Welfare Fund

1124. At present the expenditure for amenities is met from the levy. The Committee is of the view that the provision of amenities and welfare measures is important enough to warrant the creation of a special fund solely for that purpose, and that the levy should cover cash benefits only. As the amenities provided in the Docks are availed of not only by stevedore workers or the shore workers employed by the Port Authorities, but by other workers also, the Committee considers that contributions to the proposed separate fund which may be called "Workers Welfare Fund" should come not only from employers of stevedoring labour but, as far as possible, from all employers of dock workers in the Port. The contributions to the fund may be based on the total number of man-shifts employed by an employer or any other equitable method as may be decided by the Dock Labour Board. This fund should be maintained and administered by the Dock Labour Board who should frame suitable rules for this purpose. To start with, a part of the levy at present available at each port should be credited to this fund.

Exemption from Taxation

1125. The Dock Labour Boards are not profit-making bodies. The contributions by employers towards the levy and the Workers Welfare Fund have to be based on estimates and a certain reserve has necessarily to be maintained to meet emergencies or programmed requirements. The income of the Dock Labour Boards towards these funds should, therefore, be free from income tax. The Committee recommends that the Govt. should take suitable action so that the income, property and operations of the Boards are not subject to income tax.

Illegal Gratification

1126. It has come to the notice of the Committee that unauthorised payments are in some cases made by the Stevedores to certain categories of workers at Bombay and Calcutta.

1127. At Bombay the Cranemen in the employment of the Bombay Port Trust are, for a long time, being paid "Speed-money" by the Stevedores. The practice has been that the money is paid before the work commences in anticipation of the desired results, rather than on the basis of any actual results. Early in 1949 the then Chairman of the Bombay Port Trust advised the Stevedores to discontinue the payment of "Speed-money"; this was done and the output of workers was found to have dropped considerably due to "go-slow" tactics having been resorted to by Cranemen. The then Chief Labour Commissioner intervened at that stage and expressed the following opinion in the matter:—

"Speed-money.—It was paid by the Stevedores. It cannot be revised. But if the Cranemen have done good work and finished their task in time shorter than the normal duration, the Stevedore may pay them some 'Bakshish' for such amount of speedy work, and I shall have no objection. But "Speed money" should be really speed money in relation to speedy work and must be voluntary payment at the end of ships' loading and unloading and not merely an illegal gratification paid to the Cranemen as normal wage, whether they did work efficiently or inefficiently. It is a matter left entirely to the Stevedore".

1128. Since then "Speed money" has been regularly paid by the Stevedores to the Crane drivers, not at the end of ships' loading or unloading, but before the work starts. It is also understood that the Cranemen are paid "Speed money" by the Stevedores at the rate of Rs. 3/- per head per shift on food grains and bulk cargo and Rs. 2/- on general cargo.

1129. Section 79 of the Bombay Port Trust Act reads as follows:—

"79. Persons employed under this Act to be public servants for certain purposes.—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code".

The payment of "speed money" by the Stevedores and its acceptance by the crane-drivers is, therefore, strictly speaking, illegal. The representatives of workers also take a similar view of this payment and a spokesman of a Union while giving evidence before the Committee said that the "Speed money" was "after all a regularised bribe".

1130. Notwithstanding the fact that all concerned look upon the "Speed money" as an undesirable practice, demands have been made on behalf of other workers also for payment of "Speed money" and the view of the Port Authorities is, that there are reasonable grounds:

for the assumption that it is also paid secretly to other shore workers as well as to stevedore workers. The payment of "Speed money" though highly objectionable from every point of view, has now unfortunately become an accepted practice which it might be difficult to eliminate without some compensation in an authorised manner. The Committee, therefore, recommends that the payment of "Speed money" should hereafter be stopped, but a suitable increase in the present ordinary daily time rate wages of the crane-men may be made by the Port Authorities simultaneously with bringing them on a piece rate system of wages.

1131. It has been alleged that at Calcutta also certain Stevedores make some unauthorised payments to Crane-drivers, Winchmen, Stevedore workers etc., etc., with a view to securing better output from those workers and it has also been stated that Stevedores who do not make such payments do not get similar results.

1132. The Committee considers that payments in any form or manner which are not authorised by the Dock Labour Board or the Port Authorities are nothing less than illegal gratifications. They are immoral and must be stopped with a strong hand. The employers and the workers must co-operate with the Dock Labour Boards in bringing to book the giver as well as the receiver of such objectionable payments; the removal of such employers or workers from their respective registers would be fully deserved. The Committee hopes that the Dock Labour Boards will give this matter their earnest attention. The Committee, however, understands that it is customary on some festive occasions for certain employers to entertain workers employed by them. There need be no objection to such entertainments on recognised occasions approved by the Dock Labour Boards as they foster better employer-employee relations and should, therefore, be encouraged.

Objects of the Scheme

1133. Clause 2 of the Scheme lays down its objects as follows:—

"The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that adequate number of dock workers is available for the efficient performance of dock work".

1134. In reply to the Questionnaire on this point workers' Unions invariably expressed the view that this Clause is clear and comprehensive, while some employers' representatives said that the Clause should be clarified in a manner so that the phrase "efficient performance of dock work" is stated as an object in itself at par with the "greater regularity of employment for dock workers". The point of view of the employers is largely met by clause 7(a) of the Scheme which lays down amongst the functions of the Dock Labour Board to "ensure the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the Port". The Committee does not consider that any modification of clause 2 of the Scheme is called for. It may, however, be pointed out that the preamble of the Dock Workers (Regulation of Employment) Act, 1948, is not comprehensive enough inasmuch as it makes no reference to the "efficient performance of dock work". It is recommended that the

preamble of the Act may be amended so as fully to cover the objects of the Scheme. The preamble of the British Act on which the Indian Act is based is on the lines suggested by the Committee.

Institution of Stevedores

1135. In the course of their evidence before the Committee, workers' Unions generally represented that the stevedores were unnecessary, if not uncalled for, intermediaries whose functions tantamount to employment of labour from the Dock Labour Board to carry out loading and unloading work for the shipping companies. In their view, either the shipping companies should themselves obtain the required labour direct from the Dock labour Board for their work or the work of loading and unloading, which is now being done by the stevedores, should be undertaken by the Port Authority or Dock Labour Board. This suggestion has not found favour with shipping interests who have supported the contention of the stevedores that their work is not entirely akin to that of an ordinary labour contractor but is highly specialised because, before any loading on a ship is taken in hand, stowage plans have to be prepared with a view to ensuring that maximum quantity of cargo can be stowed in the space available, without in any way interfering with safety and making the cargo liable to damage. Similarly, before unloading starts, hatch-plans have to be carefully studied and workers have to be allotted according to actual requirements and suitable directions have to be given as to how each hatch has to be handled. An expert supervision has also to be maintained throughout the course of loading and unloading.

1136. The Committee is aware that in certain Ports, such as, Manchester, stevedoring work is done by the Port Authorities whereas in most of the U.S.A. Ports and in some U.K. Ports such as Liverpool, even the shore work is being done by the Stevedores and that some shipping companies in India also had, and some of them even now have, separate stevedoring departments run by the parent companies. These departments, however, work like any other stevedoring firm as 'registered employers' under the Scheme. The Committee, however, does not propose to go into the merits of the views expressed on either side as it considers that irrespective of the feasibility, desirability or otherwise, of doing away with the institution of stevedores, time is not yet opportune to contemplate such a major change in the system of dock working because the working under the present Schemes has not yet completely settled down and it may take some time before it does and is extended fully to cover other dock workers whose nature of employment is still casual. It will not be desirable at this stage to face the Dock Labour Boards with such problems having far reaching repercussions.

Productivity and Turn-round Statistics

1137. The Dock Labour Boards have not been maintaining any statistics in regard to the 'Productivity of Labour' and the 'Turn-round of Ships'. In order that they should be able to exercise proper vigilance and take timely action to maintain Productivity and Turn-round at satisfactory levels, they must compile, carefully scrutinise and regularly discuss certain vital statistics. Each Dock Labour

Board should collect necessary data and compile statistics to show for each month separately under imports and exports the following:—

- (a) Average output of labour in tons cargo-wise per man-hour for the three shifts separately.
- (b) Overall average output of labour in tons cargo-wise per man-hour.
- (c) Comparison of figures under (a) and (b) with anticipated standard output per man-hour.
- (d) Average working period of a ship in hours taken to handle 1000 tons cargo-wise.
- (e) Average tonnage, cargo-wise, handled per day (24 hours) throughout the working period of a ship.
- (f) An analysis of the interruptions in work and the cause thereof.

The cargo-wise division should be according to the grouping of cargo as adopted for the purpose of prescribing standard output. The working period of a ship will commence from the time labour is booked for that ship for loading or unloading until the completion of these operations.

Central Co-ordination

1138. It has been suggested from certain quarters that there should be a National Dock Labour Board at the Centre as in U.K. to co-ordinate the work of the existing three Dock Labour Boards and any other Boards that may be set up at other Ports in future. The Committee recognises fully the need of a Central Co-ordination, but considers that the establishment of a National Dock Labour Board here is not yet warranted. In U.K. the Decasualisation Scheme has been applied to 92 Ports and there are 25 local Dock Labour Boards which deal with local matters. In India there are only three Dock Labour Boards at present and, to some extent, they also carry out the functions which have been allotted to the National Dock Labour Board in U.K.

1139. The Dock Workers (Regulation of Employment) Act, 1948, under clause 5 provides for the constitution of an Advisory Committee "to advise upon such matters arising out of the administration of this Act or any Scheme made thereunder as the Government may refer to it for advice". An Advisory Committee has been constituted by the Government of India with 15 members, of whom 5 each represent the Government, the Dock Workers and the Employers of the Dock Workers. The present composition of the Committee is detailed in Appendix X. The Committee finds that this Advisory Committee has not yet functioned as regularly and effectively as was expected of it. It has met only once at Bombay in May, 1954. It is considered that in order to make the Advisory Committee really effective, the Government representatives on the Committee should be of sufficiently high status and the Chairman of the Committee should be a high Government Officer; besides it should include amongst others the Chairmen of the Dock Labour Boards so that the Committee may have the benefit of their intimate and

authoritative knowledge of the day-to-day working of the Schemes, and representation may also be given to Export, Import and Shipping interests. The Advisory Committee should meet as often as necessary, but not less than twice a year.

1140. The Committee attaches great importance to the need for a whole time and effective superintendence from the Centre of the working of the Schemes at different Ports and to the co-ordination of important measures under the Scheme so that all the Ports may benefit by the experience of one another. The Committee would again, particularly, refer to the fact that the function of the Dock Labour Boards in regard to securing "rapid and economic turn-round of vessels and the speedy transit of goods through the Ports", as laid down under Clause 7(a) of the Scheme has so far not received the due attention of the Boards. Had there been proper superintendence from the Centre, this could have been discovered and set right long ago. Further as the Committee has already recommended in para. 616 that Port Authorities should also be asked to prepare suitable Schemes for regulating the employment of shore labour employed by them, it will be necessary for the Centre to co-ordinate and dovetail such Schemes with the Dock Labour Board Schemes and to ensure that they operate smoothly and effectively.

1141. From the evidence of the Joint Secretary, Ministry of Labour and Secretary, Ministry of Transport, the Committee has come to the conclusion that there is at present hardly any organisation at the Centre which could undertake in an effective manner the duties and responsibilities mentioned in the previous paragraph. Even in regard to the proceedings of the Dock Labour Board, one of these witnesses said, "I do not think much attention is being paid to them" and it was clear to the Committee from his evidence that unless immediate steps were taken to provide a suitable organisation at the Centre the required superintendence, direction and co-ordination cannot be secured. The Committee, therefore, recommends that a high level officer should be deputed by the Government of India at the Centre to carry out the functions specifically mentioned in para. 1140 above, and such other duties in the furtherance of the Schemes as may be found necessary from time to time. This officer will have to keep in touch with the working at each port and initiate remedial actions immediately any abnormal conditions appear to develop. He should have direct access to the Ministers for Transport and Labour, but he should keep full liaison with the Secretaries of these Ministries. As the Transport Ministry is the Administrative Ministry for the Ports, he may be attached to that Ministry. The Committee also recommends that this officer should also be the Chairman of the Central Advisory Committee referred to in para 1139 above.

CHAPTER XII

DECASUALISATION OF OTHER CATEGORIES OF DOCK WORKERS AND REGULATION OF EMPLOYMENT OF UNREGISTERED DOCK WORKERS.

1201. The Dock Workers (Regulation of Employment) Act, 1948 and the three Schemes framed thereunder now in force at Bombay, Calcutta and Madras have given the following interpretation of Dock Worker:—

“ ‘Dock Worker’ means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port.”

1202. The word ‘Vessel’ mentioned in this interpretation has not been defined in the Act or in the Schemes. It is necessary to interpret this word precisely so that there is no difficulty in determining whether a worker is a ‘Dock Worker’ under the Act or not. The consensus of opinion amongst the witnesses was that the term ‘vessel’ under the Act should apply to ocean going vessels of five hundred dead weight tons or more. It was also suggested that the definition may be based on what is accepted as a vessel under the Indian Merchants Shipping Act; no definition of a vessel, however, is given in that Act. The Committee is of the opinion that the Scheme should apply even to the smallest ocean going vessels which may have already been calling at the Ports of Bombay, Calcutta or Madras. It is noted that the smallest vessels which ply in these Ports are “Baitarani”, “Neelambo” and “Dhamra” whose gross registered tons, as shown in the Lloyds Register, are 368, 473 and 490 respectively. The Committee, therefore, recommends that the term ‘vessel’ for the purpose of this Act and the Schemes thereunder should apply to “all ocean going vessels of 350 gross registered tons and over”.

1203. While examining whether any particular category of workers should be registered under this Act or not, two important considerations have to be borne in mind. Firstly, whether the category is covered by the definition of ‘dock worker’ under the Act with the clarification proposed above and secondly, that the Scheme is only a means to an end which is to eliminate casualness of employment and to secure efficient performance of dock work, and there is no point in bringing under the Scheme workers who are already permanently employed on a monthly salary basis. Such employment will hereafter be referred to as permanent employment.

1204. The present Schemes cover only the employment of dock workers who are employed by Stevedores. In the event of other categories, which are not employed by the Stevedores, having to be registered under the Act, it will be necessary to have a separate Scheme or separate Schemes depending upon the nature of their employment and by whom they are employed; as, amongst other

things, there will have to be separate funds and financial arrangements in respect of workers paid for by different classes of employers. The mere fact that a firm or a person who is a Stevedore happens to be the employer of another category of workers should not entitle that category to be registered under the existing Schemes nor obligate that firm or person to be a registered employer in respect of that category under the existing Schemes. The existing Schemes duly amended, as recommended by the Committee, may, however, serve as models for Schemes for other categories of workers not employed by Stevedores. The detailed Schemes in those cases may, when necessary, be prepared by the Dock Labour Boards and submitted to the Central Government for their approval. The membership of the Dock Labour Boards will then also have to be adjusted so as to include representatives of workers in the new categories as well as representatives of their employers.

1205. Attention may again be drawn to the problems which arose out of rather rushed registrations as indicated in Chapter VIII. The Committee considers it extremely desirable that steps should be taken to avoid similar problems in future and registration of new categories should be carried out in accordance with the principles laid down in para. 811. A failure to observe these principles is likely to create problems which may jeopardise the working of the entire Scheme.

1206. The categories of 'Foremen' and 'Chargemen', although included in the schedule of the Bombay Scheme, have not yet been registered. The Bombay Dock Labour Board passed the following Resolution on 27th September, 1951, and requested the Central Government to accord sanction to the proposal contained therein:—

"In regard to the first recommendation of the Trustees of the Bombay Port Trust that the categories of Foremen, Chargemen, Cleaning Tindals and Cleaning Workers should be abolished from the Scheme; the matter was thoroughly discussed. Members agreed that so far as the Foremen and Chargemen were concerned, about 80 per cent. of them were employed as monthly employees with the different Stevedores and the question of their being decasualised did not arise. At the same time, these Foremen and Chargemen were supervisory personnel and were to be acquainted fully with the technical duties of stowage of cargoes, measuring of ships and the Indian Dock Labourers Act, 1934, which factors contribute to the safety of the ship as well as the labour. These categories of employees had to work in the confidence of the employers and they were drawing handsome salaries. These personnel could, therefore, not be called workers and it would be advisable to eliminate them from the provisions of the Scheme.....".

These two categories, however, have not been deleted from the Schedule of the Bombay Scheme and the Government is awaiting the recommendation of this Committee in this respect.

1207. In the course of their evidence before the Committee, representatives of the Stevedores and the Shipping Companies expressed

the opinion that the Foremen and the Chargemen are supervisory staff and, as such, are of particular importance to the employers who should, therefore, have the discretion and right to select them and to employ them under the permanent control. According to a statement received from the Bombay Stevedores' Association, the average employment of Chargemen and Foremen under different Stevedores between October 1954 and January 1955 varied from 15 to 41 shifts in a month in the case of Foremen and 18 to 41 in the case of Chargemen. On the contrary, representatives of workers at Bombay argued that Foremen and Chargemen were also dock workers according to the definition of the term and majority of them were offered casual or semi-permanent employment and had no certainty of employment and that they should be registered with a view to achieving efficiency of work.

1208. The 'Foremen' and 'Chargemen' at Bombay correspond to 'Deck Foremen' and 'Hatch-Foremen or Gunners' at Calcutta in respect of the nature of work they perform. In view of the fact that the 'Deck Foremen' and 'Hatch-Foremen or Gunners' have already been registered at Calcutta, the Committee considers that it would not be equitable to preclude the 'Foremen' and 'Chargemen' at Bombay from being registered whatever arguments may have been advanced at Bombay in favour of or against their registration. Having regard to what has been stated in paragraphs 1203 and 1207 above, the Committee recommends that:—

- (i) Foremen and Chargemen working in Bombay Port, who were in the permanent employment of Stevedores on the 30th June, 1955, should not be brought under the Scheme.
- (ii) Of the remainder, those who are hereafter offered permanent employment and are so employed should also not be brought under the Scheme.
- (iii) If all the existing Foremen and Chargemen are so absorbed, no registration should be necessary, but the designations 'Foremen' and 'Chargemen' may continue to remain in the Schedule. No recruitment in these categories, however, should be permitted so long as Stevedores meet their requirements by their permanent employees, irrespective of when they are so appointed.
- (iv) If, however, any Foremen or Chargemen from the existing force remain unemployed permanently or any of the Foremen or Chargemen, employed permanently by Stevedores on or after 1st July, 1955, wish to come under the Dock Labour Board with their prior sanction, such Foremen or Chargemen may be registered by the Dock Labour Board. The registration of Foremen and Chargemen at Bombay in these circumstances should be governed by the principles laid down in paragraph 811.

1209. It has been brought to the notice of the Committee that stevedoring firms at Calcutta have a number of apprentices trained or under training in the duties of Hatchforemen or Gunners. Similarly, stevedoring firms at Bombay have apprentices trained or under training in the duties of Foremen. The Schemes, as proposed to be amended, do not provide for the maintenance and training of apprentices by employers and the question of finding employment for these

apprentices has to be decided by the Committee. It is further understood that so far as Calcutta is concerned, the Registration Sub-Committee of the Calcutta Dock Labour Board has already been examining this matter. As the Committee has not been put in possession of complete details relevant to this issue, it is not in a position to make specific recommendations about the absorption of these apprentices at Calcutta and Bombay and has, therefore, to leave it to the respective Dock Labour Board to deal with it in the light of the following suggestions:—

- (a) The Dock Labour Board should keep a panel of the names of bonafide apprentices who may have been trained, or are under training of any registered employer on or before the 1st of August 1955.
- (b) If any additions to the Registers in the categories of Hatch-foremen or Gunners at Calcutta and Foremen at Bombay are considered necessary, first preference for registration should be given to the apprentices on the panel mentioned under (a) above.
- (c) Since the Registration Sub-Committee at Calcutta already has under scrutiny some applications for registration as Hatch-foremen or Gunners, applicants who had applied before 1st August, 1955, and are selected for registration should have preference over the apprentices on the panel.

1210. The category of 'clerks' is included in the Schedule of the Calcutta Scheme but it has not been registered. The 'clerks' mean persons, howsoever designated, employed by Stevedores and Shipping Companies for tallying or sorting of cargo as it is being unloaded or loaded into a ship. They do not include any other clerical staff. The Calcutta Dock Labour Board passed a Resolution on 14th October, 1954—

“that the Scheme be amended to make it applicable to all Tally Clerks whether working under stevedores or other employers and that a reference be made to Government accordingly”.

Accordingly, a reference was made to the Government of India who are now awaiting the recommendation of this Committee in this connection.

1211. It is understood that some of the Shipping Companies get the tallying work done by their permanent employees and that some Stevedores also employ permanent staff for this purpose. In their evidence the Shipping Companies stated that a Tally Clerk's work is important and has to be accurate and the clerk should be in their confidence. The Shipping Companies, therefore, should be free to depute their trusted permanent employees for this work. The representatives of Master Stevedores Association also put forward the same view. In view of what has been stated in paragraph 1203, there should be no objection to the Shipping Companies and the Stevedores employing their permanent staff for this purpose.

1212. The Committee does not think it necessary to include Shipping Companies amongst registered employers so that tally clerks employed by them could be brought under the Scheme as suggested by the Dock Labour Board, Calcutta. It is recommended that Shipping Companies should be allowed to employ their permanent

staff for tallying and sorting work on their ships. They, however, cannot employ casual workers. Should they require at any time the services of clerks other than their own permanent staff, they should ask the Stevedores working on their ships to provide them.

1213. Stevedores should also be allowed to employ their permanent staff to do tallying and sorting work. There was, however, a dispute in regard to the permanent employment of Tally Clerks by Stevedores in Calcutta and the Regional Labour Commissioner (Central), who had to intervene, declared on 16th March, 1955, that *status quo* should be maintained by all concerned. In view of the declaration of the Regional Labour Commissioner, the permanent staff for this purpose should be only those who were so appointed on or before the 16th March, 1955. The Stevedores should not be allowed to employ for tallying and sorting work any casual worker or any of their permanent staff appointed after 16th March, 1955. To meet their and the Shipping Companies' additional requirements they must employ clerks registered with the Dock Labour Board.

1214. In order to meet such additional requirements of Stevedores, the Dock Labour Board, Calcutta, should register 'Clerks'. The number of clerks to be registered should be determined on the basis of estimated requirements and those clerks who have been working in that capacity in the Docks prior to 1st January 1955, will only be eligible for registration. If the number of eligible clerks are more than the number actually required, a selection should be made on the basis of length of service and age, younger men with similar length of service getting preference.

1215. As the registration of stevedores' clerks is understood to be already in progress, the principles mentioned in paragraph 811 will not apply in their case.

1216. Clerks, including Tally and Sorting Clerks, should also be included in the Schedules of the Schemes for Bombay and Madras and registered under the Act, but the Shipping Companies should be free to utilise their permanent staff for this work. The Stevedores also should be allowed to employ their permanent staff for this work provided they were appointed on or before 30th June, 1955. They will not employ any staff employed by them after 30th June, 1955, or any casual worker for this work. For their and Shipping Companies' additional requirements they will indent on the Dock Labour Board. The principles laid down in para. 811 should be followed when registering tally and sorting clerks at Bombay and Madras.

1217. The Schedule of the Bombay Scheme includes the category of Khalasis who have already been registered. It has been represented to the Committee that 'Derrick-fitters' and 'Riggers' at Calcutta who correspond to Khalasis at Bombay should also be included in the Schedule of the Calcutta Scheme and registered. The Committee recommends that 'Derrick-fitters' and 'Riggers' should be included in the Schedule of Calcutta Scheme and registered by the Dock Labour Board, Calcutta, and the principles laid down in para. 811 should be observed in their case. It should, however, be clearly understood that the registration of this category of workers will not preclude the employment of ships' crews or the Shipping Companies, who

had workshop establishments on 1st August 1955 and had been, prior to that date, employing men from such establishments, from employing their workshop staff for attending to derricks, etc. The 'Derrick-fitters' and 'Riggers' will be indented from the Dock Labour Board only when local outside labour is required by the Steamer Companies or the Masters of the ships. The employment of 'Derrick-fitters' and 'Riggers' will be through Stevedores from the Dock Labour Board Registers. No other agency will be permitted to employ 'Derrick-fitters' and 'Riggers'.

1218. Workers' Unions at all the three Ports have advocated that all workers who are covered by the definition of Dock Workers should be decasualised immediately and have, particularly, mentioned a large number of categories,* some of whom obviously cannot be considered dock workers as defined under the Act with the clarification suggested by the Committee and some are employed by the Port Authorities, who will be covered by the recommendation made in para. 616. The Dock Labour Boards will be well advised to consult the Central Government whenever there is any doubt whether workers in any category are 'dock workers' under the Act or not. This will ensure uniformity. Apart from the question of eligibility of any particular category of workers for registration as dock Workers under the Act, the Committee is of the opinion that before the decasualisation and registration, under the Act, of any new category is decided upon, authentic data in regard to the quantum of employment, average daily employment, peak period employment,

*The following categories have been mentioned by the Workers' Unions :—

At Bombay

1. Chipping & Painting Workers.
2. Coal Workers in Docks and Darukhana.
3. Bargemen & Lightermen.
4. Shivnars & Paliwallas.
5. Bunder Workers.
6. Casual Workers employed by the Bombay Port Trust.

At Madras

1. Coal & Ore Workers.
2. Chippers & Painters.
3. Watchmen.
4. Stitchers.
5. Carpenters.
6. Markers.
7. Stencillers.
8. Sweepers.

At Calcutta

1. Chipping & Painting Workers, Sirdars, Tindals and Serangs.
2. Baggers & Stitchers (Workers & Tindals).
3. Corkingmen.
4. Watchmen.
5. Markmen.
6. Carpenters.
7. Cleaning Gang Workers & Tindals.
8. Riggers (Workers & Tindals).
9. Salt Workers (Silasias, Chamachias etc.) & Sirdars.
10. Secondary labour gangs of Calcutta Port Commissioners
11. Labour engaged in the handling of Tea in Tea Warehouse and Tea Transit Sheds.
12. Labour engaged in handling of ores at different dumps in the Port Area.
13. Storage workers at Brooklyn, Hoboken & Jinjirapool sheds.
14. Coal workers at Garden Reach Coal Jetty & Shalimar.

the number of workers in that category already working in the Docks, the earliest period from which various workers can be proved to have been working etc. etc., must be available. In the absence of such detailed data it will, for instance, not be possible to work out the minimum number of days for which the wages should be guaranteed and to assess the total financial implications of the proposal and their burden on the trade and the employers. Unfortunately, sufficient and reliable data on these lines are not available at all the three Ports in respect of the categories for which registration has been advocated.

1219. The Committee considers that for the success of the decasualisation of any category of workers, it is essential that it should be based on a correct appreciation of relevant facts and implications and that it would ultimately be to the advantage of the workers generally if the object of the Scheme in respect of other eligible categories not yet registered is secured step by step so that the final stage of decasualisation has a firm foundation.

1220. The Dock Workers (Regulation of Employment) Act, *vide* Clause 3, provides for the regulation of employment of dock workers. "whether registered or not". The Committee recommends that the first step should be to prescribe simple Rules under the Act aiming at some 'Regulation of Employment' of all Dock Workers. These Rules may provide that—

- (a) all employers of dock workers should be licensed by the Port Authorities and only licensed employers should be allowed to work in the Docks;
- (b) the licensed employers must maintain records in a prescribed form showing the names of workers employed by them daily and payments made to them;
- (c) the employers must prepare at the end of each month a statement showing the number of days for which employment was obtained by each worker employed by them and the payments received by each worker. The daily records and the monthly statement should be made available for inspection by officers of the Dock Labour Board whenever required;
- (d) a licensed employer shall make direct payment of wages, allowances, etc., to the dock workers employed by him;
- (e) at the end of each quarter the licensed employers should make a summary of the monthly statements and submit it to the Dock Labour Board within a fortnight of the commencement of the next quarter;
- (f) the Personnel Officer of the Dock Labour Board should make frequent checks to verify the correctness of the monthly and quarterly statements;
- (g) every licensed Dock employer should contribute to the Workers Welfare Fund in accordance with the Rules of the Fund; and
- (h) for any breach of the Rules the Personnel Officer or a higher officer may issue warning in writing or the Deputy Chairman or the Executive Officer of the Dock Labour Board, as the case may be, may recommend to the Port

Authority the cancellation of the licence and the stoppage of the employer from working for a specified period or permanently.

1221. Further regulation of employment of certain categories of dock workers to be decided by the Dock Labour Board from time to time should be secured by adopting a procedure of 'Listing' the workers in those categories as well as the employers of those workers. Rules may be framed under the Act to regulate the employment of Listed workers and they may provide that:—

- (a) all employers of categories of Dock Workers which have been selected for 'listing' by the Dock Labour Board should be 'listed' by the Dock Labour Board on payment of a prescribed fee;
- (b) workers who have worked for at least three months in that category shall only be eligible for listing;
- (c) the Dock Labour Board should have printed forms for application for listing workers in these categories. The form should include the following particulars:—
 - (i) Category of employment.
 - (ii) Full name of the employee and father's name.
 - (iii) Home address.
 - (iv) Age.
 - (v) Nationality.
 - (vi) Name of the employer who is sponsoring his application.
 - (vii) The earliest time since when the worker has been working in that category under the employer sponsoring his application and the total period for which he has been in the employ of the employer.
 - (viii) The names of other employers with whom he has worked hitherto.
 - (ix) A declaration from the employee that he has understood the conditions under which he is being listed and he undertakes to abide by these conditions.
 - (x) Thumb impression or signature of the employee.
 - (xi) A certificate from the employer that to the best of his knowledge, the particulars mentioned in items (i) to (viii) are correct and he recommends the applicant being listed and that he would undertake to keep the applicant on his register subject to the conditions prescribed for listing.
 - (xii) Thumb impression or signature of the employer.
- (d) the application form should be submitted in duplicate to the Dock Labour Board by the applicant with two copies of passport size photographs through a listed employer who may be prepared to sponsor his application;
- (e) an employer shall not refuse to sponsor an application from a worker who had worked for him in that category

at least for three months prior to the date of the application;

- (f) the length of service put in by a listed worker under a particular listed employer should be recorded on the basis of payments of wages made to him previously either directly by the employer or through any of the employer's agents;
- (g) provided the application is in order, the Dock Labour Board will enter the name of the applicant in the list and retain one form with the photograph for record and return the other form together with a photo-identity card to the employer through whom the application has been received;
- (h) each worker to be listed should pay to the Dock Labour Board a listing fee of Rs. 1 and also bear the cost of the two copies of photographs furnished by him;
- (i) every listed employer shall maintain a list of the workers sponsored by him and listed by the Dock Labour Board and a listed worker shall not be transferred from the list of one listed employer to that of another without the prior sanction of the Personnel Officer of the Dock Labour Board;
- (j) listed employers shall not engage a worker who is not listed so long as a listed worker from his list or any other employer's list offers for employment. A listed employee shall not offer for employment with another employer so long as he is offered employment by the employer on whose list his name is borne;
- (k) as far as feasible listed employers should provide equal chances of work to workers doing the same work and listed with them;
- (l) all listed employers must make direct payments to their workers;
- (m) every listed employer will contribute to the Workers Welfare Fund in accordance with the Rules of the Fund;
- (n) the Dock Labour Board shall prescribe forms, registers, records of employment and payments, returns, etc. etc., to be maintained and submitted by the listed employers to the Board;
- (o) the listed employers shall make available all such forms, registers, records, returns, etc., etc., to the Personnel or other officers of the Dock Labour Board whenever required;
- (p) for a breach of the Rules, the Personnel Officer or a higher officer may issue a warning in writing to the listed employer, or the Deputy Chairman or the Executive Officer of the Dock Labour Board, as the case may be, may with the approval of the Board, remove the name of the employer from the list and stop him from working for a specified period or permanently; and
- (q) listed employers will be responsible for taking disciplinary action against listed workers.

1222. The Committee recommends that 'listing' under the Rules mentioned in the previous paragraphs may be taken in hand in all the three Ports in respect of the following categories:—

- (a) Chipping and Painting Workers.
- (b) Stitchers and Baggers.
- (c) Salt workers.
- (d) Coal workers.

1223. The Committee further recommends that listing, in accordance with the procedure detailed in paragraph 1221 above, must hereafter always precede registration under the Act in the case of all new categories which are not included in the existing Schedules or have not already been recommended for registration by the Committee. The Dock Labour Board should obtain the sanction of the Central Government before a new category is included in the Schedule and registered under the Act.

1224. The pace at which decasualisation can be extended to other categories of dock workers will naturally depend upon how fast the benefits, both for employers and employees, expected from the Schemes in force are secured and consolidated. The 'greater regularity of employment' and other benefits for workers can be secured largely by a watchful and humanitarian interest of the Dock Labour Board as a corporate body in which the employers have an important and responsible role and the 'efficient performance of dock work' can mainly be achieved by the individual and collective efforts of the workers to increase productivity. In the opinion of international experts the productivity of labour should be higher than what it would be in the absence of the Scheme. It is also noteworthy that the Annual Reports of the U.K. National Dock Labour Board and their review of the working of the Scheme do not at all indicate that the productivity of labour has deteriorated or has otherwise been unsatisfactory although all problems arising from the Scheme have been commented upon therein. The experience here has, unfortunately, been the reverse of what the experts expect and productivity has declined, so much so that the belief of employers and shipping companies that casual workers give better productivity is getting strengthened. It is to be hoped that the workers will take up the challenge in all earnestness and will soon prove that the Scheme does actually result in better productivity and more efficient performance of dock work and they will thus accelerate the pace of the extension of the benefits of the Scheme to their brethren whose employment continues to be casual.

CHAPTER XIII

TRAINING, WELFARE, HEALTH AND SAFETY MEASURES

1301. Under the Dock Workers (Regulation of Employment) Schemes it is one of the functions of the Dock Labour Boards to make "satisfactory provision for the training and welfare of registered dock workers including medical services insofar as such provision does not exist apart from the Scheme". It is essential that the dock labour force should not only consist of workers who are proficient in their own duties but it should have sufficient proportion of those who have been trained for other duties, such as, those of Winchmen, Signallers, Derrick-fitters, Khalasis, etc. etc. The employers as well as workers were emphatic that Dock Labour Boards must arrange for necessary training. The consensus of the opinion, however, was that ordinary stevedore workers should acquire necessary proficiency during their day-to-day performance of work and no initial training for them need be provided, but the Dock Labour Boards must make special arrangements to give training to suitable registered workers in the duties of Winchmen, Signallers, Derrick-fitters or Khalasis. The Committee concurs in this opinion.

1302. No Dock Labour Board has yet been able to make any provision for training. It is understood that the Bombay Dock Labour Board proposes to start the training for Winchmen if the facilities for training provided in the shore establishments of the Defence Department at Bombay can be made available to the Port, and has requested the Ministry of Labour, Government of India, to obtain the necessary sanction of Ministry of Defence; the proposal is being suitably pursued.

1303. The Committee considers it important that facilities should be provided by each Dock Labour Board for training existing registered workers in the duties of Winchmen, Signallers, Derrick-fitters or Khalasis, so that trained workers are readily available when permanent vacancies occur or temporary demands arise for these categories. It should be so arranged that the workers may receive training during their spare time. The Dock Labour Boards should prescribe suitable rewards, monetary or otherwise, for those who pass a qualifying test after the training. Normally, recruitment to these categories should be made only from amongst these trained workers and outside recruitment should be resorted to only when trained men amongst existing registered workers are not available. The trained workers will also have the obligation to perform the duties in which they have been trained whenever they may be called upon to do so.

1304. The Committee also recommends that as an incentive to acquire proficiency in their day-to-day work for all categories of workers, the Dock Labour Boards may periodically hold competitions amongst workers and award prizes.

1305. It has been stated generally that the provision of welfare, health and safety measures and other amenities has so far not been adequate. The facilities asked for include:—

- (i) Drinking water on shore as well as on ships.
- (ii) Bathing and washing facilities.
- (iii) Sanitary facilities, urinals and latrines.
- (iv) Canteens.
- (v) First-Aid and medical attendance.
- (vi) Rest shelters and waiting rooms.
- (vii) Suitable call stands.
- (viii) Protective equipment for dock workers.
- (ix) Suitable and adequate housing.
- (x) Lockers.

1306. It is the responsibility of the Port Authorities to provide the necessary facilities within the Dock area. They should, therefore, incur the capital expenditure in connection with their provision. In regard to the canteens provided and maintained by the Port Authorities, necessary financial arrangements in regard to their maintenance and running, if necessary, may be entered into between the Port Authorities and the Dock Labour Boards.

1307. The Dock Labour Board should take the responsibility for providing the necessary facilities and amenities outside the Dock area. There should be a separate "Workers Welfare Fund" for this purpose as already suggested *vide* para. 1124. Contribution to this fund should be made not only by the registered dock employers, but by all employers of dock workers on a basis and at rates to be determined by the Dock Labour Boards. Amenities to be provided by the Dock Labour Boards should be planned in advance for a number of years and financial resources under the 'Workers Welfare Fund' should be accordingly secured. The Dock Labour Board may have a special Sub-Committee to work out a detailed programme and to see that it is implemented according to schedule, after it has been approved by the Board. The Sub-Committee may include, if necessary, representatives of listed employers and workers.

1308. The provision of bathing, washing and sanitary facilities should be liberal and need not be limited to what is required under certain statutory obligations. Proper maintenance of these facilities is also essential. Adequate supervisory and maintenance staff should be provided for this purpose

1309. Canteens should be located at convenient places so that workers do not have to spend much time to go there from their place of work. They should be commodious and sufficient in number so that all the dock workers can be comfortably catered for. They should provide wholesome refreshments and meals at cheap rates.

1310. Drinking water should be available at convenient places on shore and near the call stands. Special arrangements should be made to supply drinking water to the stevedore workers on ships;

it would be desirable that the Dock Labour Boards should take the responsibility for these arrangements which may be made in consultation with the shipping companies.

1311. In the opinion of the Committee, the provision of separate waiting rooms or rest shelters is not really necessary. Workers waiting to go on duty may rest in the call stands. The call stands should be spacious, airy and well lit and should provide sufficient covering and adequate protection against rain and sun. There should be no obstruction of any kind in the circulating area inside the call stands, but benches, drinking water and refreshment arrangements may be provided along the sides. Steps should be taken to see that the call stands do not become places of shelter for outsiders, beggars, vagrants, etc., etc.

1312. The provision of lockers is not recommended, as allegations may be made that lockers, in proximity of places where cargoes are handled, are being used for concealing pilfered cargoes. This may result in annoyance to or harassment of workers and may disrupt harmony. The purpose of providing lockers can be substantially served, if necessary, by making arrangements for the custody of the clothes or any other belongings of workers with an attendant in a covered and closed space specially provided for this purpose. Numbered tokens or other means may be used to facilitate identification of the deposited belongings and their owners at the time of their return.

1313. As regards housing, the Dock Labour Board, Bombay, contemplates the construction of about 3,500 tenements for its workers during the next five years. The housing scheme is estimated to cost approximately Rs. 2 crores and the Board has asked for financial assistance from the Central Government to the extent of Rs. 1,80,000 partly as loan free of interest or at a very low rate of interest and partly as subsidy. The Calcutta Dock Labour Board has also framed a housing scheme for the workers to be implemented in two phases. In the first phase, which will be provided for during the Second Five Year Plan period, the Board proposes to construct 1008 Units (42 Blocks) and in the final phase 4008 Units (167 Blocks) making a total of 5016 Units (209 Blocks). The estimated cost of construction, included in the first phase, is about Rs. 57 lakhs. The Board has asked the Central Government for financial assistance as loan to the extent of Rs. 43,22,400. The Madras Dock Labour Board has not yet finalised its housing scheme.

1314. The Committee is of the opinion that the provision of adequate and suitable housing for workers is necessary, both from the workers' welfare and efficiency point of view, and recommends that the Government should consider favourably the requests of the Dock Labour Boards for financial assistance and grant suitable subsidies for housing to this industry also. The repayment of the loans may be spread over 15 to 20 years so that the present employers only do not have to bear the entire burden for a long term facility.

1315. The Bombay Dock Labour Board is putting up a building in which it proposes to have a medical dispensary for stevedore workers. The Calcutta Dock Labour Board has approved of the construction of a hospital comprising of 50 to 60 beds in the first phase and

150 beds in the final stage. The estimated cost of the first phase of construction of the building amounts to Rs. 6,20,000 including the cost of equipment. A provision has also been made for an out-door dispensary. The provision of medical facilities is engaging the attention of the Madras Dock Labour Board.

1316. The steps taken by the Dock Labour Boards at Bombay and Calcutta are encouraging. The Committee, however, considers that well-equipped dispensaries with just a few beds for emergency cases would meet the requirements in this case better than large hospitals. The Committee recommends that each Dock Labour Board should provide one or more, as may be necessary, well-equipped dispensaries located near the Docks. They should be adequately staffed with doctors, nurses and other attendants and have a few beds for emergency cases. In addition, First-Aid equipment should also be provided at convenient and readily accessible places and the Dock Labour Boards, in conjunction with the Port Authorities, should arrange for holding First-Aid classes to train workers and supervisory staff in First-Aid. The names of those who pass the First-Aid test should be prominently exhibited so that they may be called upon for aid whenever necessary.

1317. For efficient and safe performance of Dock work it is desirable that workers should be strong and healthy. The Committee recommends, therefore, that every new worker selected for registration should undergo, free of charge, a medical examination for physical fitness before he is registered and employed.

1318. Measures for the safety of dock workers employed in the loading and unloading of ships (this covers the stevedore workers registered under the Schemes) are already provided for in the Indian Dock Labourers Regulations, 1948, framed by the Central Government under the Indian Dock Labourers Act, 1934. These regulations provide for—

- (a) the safety of working places and approaches to them;
- (b) the lighting and fencing of work-places and approaches to work places;
- (c) the nature of means of access to and from ships;
- (d) measures to be taken for safe transport of workers to or from a ship by water;
- (e) the safety of workers engaged in removing or replacing hatch coverings and beams;
- (f) ensuring the safe working of hoisting machines or gears, lifting machines, etc.;
- (g) the fencing of machinery, live electric conductors and steam pipes;
- (h) safety measures in stacking and unstacking, stowing and unstowing of cargo; and
- (i) maintenance of First-Aid equipment, ambulances and life saving appliances for the rescue of drowning persons.

These regulations apply to the major Ports of Bombay, Calcutta, Madras, Vishakhapatnam and Cochin, and are administered by the

Chief Adviser, Factories, through Inspectors, Dock Safety, appointed under the Act.

1319. While handling certain dusty, noxious and corrosive materials, the use of certain protective equipment by workers is necessary. Workers have in some cases complained that equipment of proper type has not been supplied while, on the other hand, the employers have stated that workers did not utilise the equipment which had been supplied to them in accordance with the agreed specifications. This matter is primarily the concern of the Inspectors, Dock Safety, who no doubt will look into the complaints and counter-complaints. The Committee, however, thinks that the Dock Labour Boards should also take steps to ensure that the employers as well as the workers conform to the requirements of the Dock Labourers Regulations, 1948, and that protective equipment suggested and approved by these Inspectors is provided and used.

1320. The provision of means for healthy recreation of workers is as necessary as the provision of medical and other facilities. The Committee recommends that the Dock Labour Boards should take steps to provide facilities for sports, games, cultural activities and other healthy entertainments which should make for closer contacts between the employers and the employees. It is gratifying to note that the Calcutta Dock Labour Board has earmarked some funds for the recreation of workers and the Bombay Dock Labour Board has agreed to support reasonable programmes for recreation that the workers may suggest.

1321. It has come to the notice of the Committee that in Calcutta there are many liquor shops near the Docks. Their presence not only contributes to disorderliness in the Docks, but is also not in the interest of the general welfare of workers and their families. The Committee suggests that such shops should not be allowed within a prescribed distance from the Docks and that the Central Government may request the Government of West Bengal to give this matter their attention and take suitable action in consultation with the Port Authorities.

1322. The Committee firmly believes that the provision of adequate amenities and better living conditions for workers pave the way for improving the employer-employee relations and it fully hopes that employers will lend their full support in this matter.

CHAPTER XIV

CONCLUSION

1401. The Schemes framed under the Act and at present in force at Bombay, Calcutta and Madras have to be amended on the basis of the observations and recommendations made by the Committee. The draft amended Schemes are identical in respect of fundamentals; a few variations in certain details due to the differences in some local conditions are, however, necessary. It has, therefore, been considered expedient that each Port should continue to have a separate Scheme for it. The draft amended Schemes are embodied in Part II of the Report.

1402. It has already been pointed out earlier that the Dock Workers (Regulation of Employment) Act 1948, under Clause (3), envisages the regulation of employment of dock workers though not registered under any Scheme. A provision for such regulation can be made in any Scheme or Schemes framed under the Act. The Committee is of the view that it would be expedient if Rules having a statutory authority are prescribed for regulating the employment of dock workers who are not registered under a Scheme, instead of framing an elaborate Scheme for this purpose. The Act at present does not provide for the framing of such Rules; it provides only for the framing of a Scheme or Schemes. It is recommended that the Act should be suitably amended so that Rules can be framed under the Act for the regulation of employment of dock workers who are not registered under any Scheme, or for any other purpose. In anticipation of suitable action on these lines being taken by the Government, draft Rules have been drawn up by the Committee for regulating employment of dock workers who are not registered under the Schemes. They are also included in Part II of the Report.

1403. The amended Schemes, as already stated in paragraph 1205, will apply only to those dock workers who are employed by Stevedores. Separate Schemes based largely on these Schemes will have to be prepared, as and when necessary, for other categories of dock workers not employed by Stevedores.

1404. The Schemes, as amended, aim at securing and harmonising the twin objectives of economic security of dock workers and efficiency in the performance of dock work which are essential for the Port Transport Industry so that it may make its due contribution in the development of the expanding economy of the country. A smooth and successful operation of the Schemes, therefore, should be cherished by all interested in the well-being of the nation.

1405. The Schemes can work only if the employers and workers individually and collectively accept and carry out the obligations and duties set out in the Schemes for them. The Dock Labour Boards and the Government must, therefore, ensure that failures to carry out the obligations under the Schemes are not allowed to occur with impunity but are immediately and effectively dealt

with. Any individual or group found to be persistently responsible for breaches of the conditions of the Scheme and disrupting the working in the Port cannot but be regarded as deliberately working against the objectives of the Scheme and not interested in the welfare of the industry.

1406. The Committee firmly hopes that the lack of mutual understanding and co-operation between employers and employees in the Port Transport Industry, which has been noticeable in the past, will be entirely replaced by thorough goodwill, complete confidence and enduring co-operation between them, and their relations hereafter will be happy and cordial, and that the Shipping Companies, Stevedores, representatives of labour and the workers themselves will all do their best to bring this about.

1407. Shri G. S. Dhara Singh, who in the main accepts the Report, has submitted a dissenting note in respect of four points, three of which relate to wages and allowances and the fourth to the gradual abolition of the institution of the Stevedores.

1408. Shri Biswanath Dubey and Shri Adhir Banerjee have jointly submitted a note of dissent which virtually forms a report by itself.

1409. These two notes of dissent are appended. The remarks of the other Members of the Committee on the joint note of Shri Biswanath Dubey and Shri Adhir Banerjee are also appended immediately after the joint note.

1410. Having carefully gone through the notes of dissent, the Committee sees no reasons to modify any of the conclusions reached or recommendations made in the Report.

1411. Shri G. S. Dhara Singh, Shri Biswanath Dubey and Shri Adhir Banerjee sign this Report subject to their notes of dissent.

S. S. VASIST—*Chairman.*

A. RAMASWAMI MUDALIAR
S. C. SHETH
A. N. CHOWDHURY
BISWANATH DUBEY
G. S. DHARA SINGH
ADHIR BANERJEE
K. MITTER
VINCENT VAZ
V. A. JAYWANT

} *Members.*

D. K. GUHA—*Secretary.*

CHAPTER X—WAGES AND ALLOWANCES.

Para. 1014.

1. In order to link the Wage with the output, the majority of this Committee has recommended a system of payment by results. I am opposed to a pure and simple piece rate system, which almost always results in the exploitation and sweating of the working class. The system recommended in Chapter X is, however, payment of the normal time rate wage for a standard output, and double the wage upto a ceiling limit as incentive bonus, in order to avoid sweating of labour and reduction in the wages according to proportionate fall in the normal output, upto a minimum of $\frac{3}{5}$ of the wage.

2. Though I appreciate the intention of the Committee in providing this safety clause as a check and deterrent to any deliberate "go-slow" movement (as a similar deterrent clause has proved effective and useful in Cochin Port) I strongly feel that, under normal circumstances the wages should not be reduced proportionately even if there is a fall in production. There are several circumstances in which the production or output may go down, for no fault of the workmen. Under such circumstances there should be no reduction in the normal time rate wages. But in case where there is deliberate and consistent spreading over of the work, i.e. slowing down of output, this provision may be put into operation, till normalcy is again reached. I am also of opinion that this deterrent clause will provide an effective check to anti-social, anti-national and subversive elements from misleading the labour force to paralyse this key trade or to misuse them to suit their own party needs or otherwise.

3. Here it should be borne in mind that the output depends upon the co-operation and team work among the shore labour, the winchmen, the cranemen and the hatch workmen, and hence due to the fault of one, the other should not suffer.

4. Further, due to inclement weather, non-availability of cargo, or completion of work before the shift period, or any other reasons beyond the control of workmen only the actual working hours should be taken into consideration for the purposes of calculating incentive bonus, or payment of time rate wages.

Para. 1024.

5. As regards the attendance wage, I feel that it should be increased to Rs. 2 per day instead of Re. 1 or made equal to the D.A. whichever is higher. This increase would not mean encouraging payment for no work, but would mean a definite step forward in raising the standard of living of the workman without adversely affecting his efficiency.

CHAPTER XI

Para. 1111.

6. I do not agree with the Committee's majority view that it does not see its way to recommend the weekly off with pay. The weekly off is earned by the workmen after working for six continuous days and it is his right and privilege to enjoy the seventh day off with pay. Such a fundamental question should not be left to each Dock Labour Board to decide, but this Committee itself should make a clear and categorical recommendation in this matter. I feel that this demand by the workers' representatives for the weekly off with pay is quite legitimate and reasonable, and it should be granted.

Para. 1135.

7. Regarding the institution of stevedores, I feel that they have outlived their time. The Dock Labour Boards have taken up almost all the work and responsibilities of the stevedores and they have become, an unnecessary burden to the trade. Their elimination will not affect the trade adversely. The argument by the shipping agents, that the stevedores are performing an essential and highly technical service, does not hold water; as many of the shipping agents in Madras and Cochin have themselves taken up the stevedoring work directly. Hence either the shipping agents should take up their stevedoring work directly, or the Dock Labour Boards should take it up. I do not insist for a sudden and immediate abolition of the stevedoring institution as it may result in some confusion and operational difficulties, and may add to the present troubled conditions; but it should be gradually eliminated and replaced by either the Dock Labour Boards or shipping agents.

G. S. DHARA SINGH

1-9-55,

NOTE OF DISSENT SUBMITTED BY SHRI B. N. DUBEY AND SHRI A. C. BANERJEE.

1. We regret that it has not been possible for us to agree to the views expressed and conclusions reached in the main report on many of the fundamental questions of decasualisation which the Committee was called upon to examine. With due regard to our colleagues, we have to point out that the proceedings of the Committee were allowed to be dominated by one consideration, that of complaints made by certain powerful interests against the operation of the Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and Madras and their alleged adverse effect on output of labour and turn-round of ships. A case has been sought to be made out on the basis of certain data supplied by the interested parties that work has considerably deteriorated in these ports since the implementation of the Schemes. The authenticity of these statistics will therefore be examined later in our note. But whatever may be the merit of the complaints against the Schemes, a perusal of the Resolution under which this Committee was constituted will show that these were only one of the many questions which the Committee was required to enquire into. The Resolution of the Government of India reads as follows:

“With a view to reducing the hardships caused to dock workers on account of the casual nature of their employment, the Central Government got enacted the Dock Workers (Regulation of Employment) Act, 1948, and framed the following schemes:—

- (1) The Bombay Dock Workers (Regulation of Employment) Scheme, 1951.
- (2) The Calcutta Dock Workers (Regulation of Employment) Scheme, 1951.
- (3) The Madras Dock Workers (Regulation of Employment) Scheme, 1952.”

“The object of these schemes is to ensure greater regularity of employment for dock workers and to secure an adequate supply of dock workers for the efficient performance of dock work. At present the application of these schemes is confined to certain specific categories of stevedore workers in the ports of Bombay, Calcutta and Madras. The schemes are administered by Dock Labour Boards, which are tripartite bodies set up by Government for each port. Representations have been received that the benefits of these or of similar schemes should be extended to other categories of workers also. The working of the schemes has also evoked a number of complaints. Government have, therefore, on the recommendation of the Dock Workers Advisory Committee, decided to appoint an Enquiry Committee to report on the working of the schemes”.

“The terms of reference of the enquiry are stated as follows:—

- “(i) to enquire into the working of the Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and

Madras, to examine all difficulties encountered by the parties interested in the working of the schemes and to recommend what modifications, if any, in the schemes are necessary;

- (ii) to enquire into the necessity and feasibility of decasualising other categories of labour covered by the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948) at the three ports—whether by inclusion in the existing schemes or by the framing of special schemes; and
- (iii) to prepare amendments to existing schemes or to frame new schemes for further categories of labour, if any, recommended for decasualisation."

2. It will be clear from the preamble of the Dock Workers (Regulation of Employment) Act, 1948, which states: "whereas it is expedient to provide for regulating the employment of Dock Workers", and the object of the enquiry as enumerated in the Resolution of the Government of India that the Committee is required to be guided by the basic objective of "reducing the hardships caused to dock workers on account of the casual nature of their employment". With a view to this, ways and means have got to be found "to ensure greater regularity of employment for dock workers and to secure an adequate supply of dock workers for the efficient performance of dock work". It is implied therefore that the schemes of decasualisation, which were given a welcome start in three ports, though in a limited sphere, should be extended progressively till all dock workers put to hardships because of the casual nature of their employment are covered by them.

3. The question of output of labour and turn-round of ships is important, no doubt. But the question of decasualisation of dock workers has been viewed everywhere as an independent issue. "Everything possible should be done as a matter of vital public interest to render the Port Transport Industry a means of regular livelihood for a properly established body of workers" (page 63, Port Labour Enquiry Report, 1931, the U.K.). The following quotations from the Report of the Inland Transport Committee, 1949, of the International Labour Organisation will further elucidate the point:

"Decasualisation has not been regarded as an economic necessity from the point of view of efficient working of the ports..... There is accordingly no great incentive to embark upon schemes of decasualisation in countries in which labour is abundant or in periods of unemployment..... When the question of decasualisation was first ventilated it was put forward as a social problem. Casual labour was described as an evil which should be removed in the interest of the society as a whole".

4. It was in this light that the problem was seen by the Court of Enquiry which examined the British dockers' claim for a minimum wage in 1920. "The Court is of the opinion that labour frequently or constantly underemployed is injurious to the interests of the workers, the ports and the public, and that it is discreditable to the society..... If men were merely the spare parts of an industrial machine, this callous reckoning might be appropriate, but society will

not tolerate much longer the continuance of the employment of human beings on those lines⁵

5. The main report of the present Committee would, however, view the question of decasualisation from the angle of output of labour and turn-round of ships. It is inclined to uphold the view expressed by the employers' organisations and shipping interests that the output of labour and turn-round of ships have deteriorated in three Indian ports because of implementation of decasualisation schemes. Before we examine the statistics supplied to the Committee in support of the view, it would be useful to give the historical background of decasualisation in this country. It is necessary to see the currents and under-currents that have been at work for about two and a half decades, and which are very much pronounced even today. While there have been efforts—faltering we should say—on the part of the Government, to remove the hardships of dock workers caused by the casual nature of their work, the employers have systematically and persistently tried to resist implementation of any scheme of decasualisation. This attitude has not changed very much. It is not surprising therefore that these interests would raise their voice occasionally against the working of the Dock Workers (Regulation of Employment) Schemes now in operation in the country and try to resist their further extension.

6. The question of decasualisation of dock workers was given serious consideration for the first time in this country by the Royal Commission on Labour in India in 1931. It considered that "those labourers who regularly offer themselves for work at the docks are entitled to secure as large a measure of regular employment as the nature of the calling will allow. This can only be secured by decasualisation". The Commission recommended "the adoption in each of the main ports of a system of registration, which should be supervised and controlled by the port authority, assisted by representatives of ship-owners, stevedores and labourers". The Commission further observed that "the aim should be, first, to regulate the numbers of dock labourers in accordance with requirements and, secondly, to ensure that the distribution of employment depends, not on the caprice of intermediaries, but on a system which, as far as possible, gives all efficient men an equal share". The Commission observed, "the tendency is for employers to encourage larger reserves than necessary in order to provide ample margins against emergencies..... Usually the Port authorities maintain a permanent establishment under their direct control, but the bulk of the labour engaged in loading and unloading is casual and is employed indirectly through stevedores or other contractors". The condition of employment of a large section of workers engaged in loading and unloading and other works even in the major ports like Bombay, Calcutta and Madras still remains more or less the same.

7. Although the Government of that time had accepted the recommendations of the Royal Commission, the actual working out of schemes for decasualisation was left to the Port authorities. But for over one and a half decades nothing was done in this direction. The Port authorities, dominated as they were by powerful business and shipping interests, had little sympathy for social measures. The idea of decasualisation was, in fact, opposed by the employers and labour

contractors. There were waves of strikes in the big ports in the mid-thirties and again in the mid-forties, with the demand for improvement of working conditions of the dock workers. It was not, however, before late 1947 or early 1948 that some steps were taken in Bombay and Calcutta to decasualise a part of the shore labour employed by the Port authorities. Things have remained unchanged so far as shore labour is concerned since then. Even to-day the Port authorities engage a large number of casual labour for handling of cargo on shore either directly or through contractors.

8. After the last War in late 1946 the Directorate of Labour of the Government of India tried to persuade the employers and contractors of dock labour to draw up schemes for decasualisation. But this official endeavour to remove some of the hardships of the dock workers did not meet with much success. There was no legal provision to enforce such schemes. Besides, the employers in general were of the opinion that the ports could not be run without an abundant supply of casual labour.

9. The first legislative measure was taken to provide for regulating the employment of Dock Workers in March 1948 by passing the Dock Workers (Regulation of Employment) Act. That the intention of the Act was to give protection to all categories of Dock Workers against hardships caused by the casual nature of employment is clear from the wide definition given to the terms "cargo" and "Dock Workers". "Cargo includes anything carried or to be carried in a ship or other vessels". "Dock Worker means a person employed or to be employed in or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving ports." The act provided for framing of schemes for registration of Dock Workers, regulation of their recruitment and conditions of employment, fixing hours of work, rates of remuneration, leave, minimum guarantee, etc. But it was not an easy task to translate the intention of the Act into action. It will be seen from paragraph 108 of the main report that it took about three years from the date of passing of the Act to notify the scheme for Bombay, while its implementation took another year. In Calcutta, the scheme was implemented 67 months after the passing of the Act, and in Madras it took 77 months to get the scheme into operation. There was opposition to the schemes from the employers' side. The Port authorities, being employers of a large number of casual dock workers, also took a critical view of the schemes in view of their possible reaction on the employment of their own labour. It may be noted here that at the third meeting of the National Harbour Board held in December, 1952, the Chairmen of the Bombay Port Trust and Calcutta Port Commissioners "pointed out that it would be impossible to abolish casual labour altogether having regard to the fluctuating nature of work in the Docks and said that all that could be done would be to minimise the number of such casual workers" (Proceedings of the meeting of the N.H.B.). But it will be seen from paragraph 605 of the main report that while the number of decasualised shore labour in Calcutta steadily declined from 6,094 in 1951 to 5,639 in 1954, the number of casual labour increased during that period from 1,671 to 2,198. In Bombay the strength of casual

labour was 2,803 in 1954 as against 3,057 A and B categories of registered workers (paragraph 609 of the main report). In Madras, the percentage of casual workers to the total number of workers increased from 20.1 in 1951 to 33.7 in 1954 (para. 613 of the main report). The Port authorities have thus remained indifferent, if not opposed, to decasualisation.

10. This opposition has been particularly pronounced in Bombay. While the Chairman of the Bombay Port Trust tried to justify employment of casual labour in 1952 on the ground that it would be impossible to carry on work without casual labour in view of the "fluctuating nature of work", in his note to the present Committee he stated categorically that "The casuals work better than the Registered Workers because the former know that if they do not work properly they may not get further employment". The attitude of most of the employers is not different from this. Whatever may be the reason behind this attitude, it tends to negate the basic principles of decasualisation and obstruct smooth and peaceful working of decasualisation schemes. "No decasualisation scheme can function successfully unless both Employers and Workers co-operate in it actively and loyally". But the employers, pointed out the I.L.O. report mentioned above, "may be reluctant to give up their freedom to employ whatever men they choose to handle their cargoes, or they may dislike the necessity of having to conform to the requirements and regulations which are involved".

11. The employers' psychology is the same in all places. It is not surprising therefore if the decasualisation schemes had to face opposition from the employers in this country. But their co-operation was necessary. Concession had therefore to be made in the schemes to provide for two classes of workers (Monthly workers and reserve pool workers). But this division of the workers into two classes with different sets of service conditions, rates of pay, etc. operated against smooth working of the Schemes. The very nature of work in the Ports necessitates maintenance of a labour force adequate to meet frequently fluctuating requirements. The requirements fluctuate very widely. It is not possible therefore to find a full month's employment for all the workers. A system of equitable distribution of work among the registered workers is therefore the *sine qua non* of decasualisation. "It would be no solution to provide permanent employment for a limited number of men if this meant creating more unemployment or underemployment for others" (the I.L.O. report).

12. The purpose of decasualisation is not to find as much employment as possible for as many workers as possible, but to distribute the available work equitably as far as possible amongst all the workers who are required to be retained for efficient performance of dock work. The argument that the number of workers employed on monthly basis will go on increasing progressively till the number of workers in the reserve pool is reduced to an insignificant fraction of the total number of Dock Workers is based on an extremely hypothetical assumption. It ignores the nature of Port work. Port work will continue to fluctuate from day-to-day and from month-to-month, and so also requirement of labour. It is not in the interest of the employers to maintain an adequate force of permanent monthly men which

is needed to meet their all-time requirement. Besides, the work available to different stevedores varies widely. The business of an individual stevedore is irregular. It is not possible therefore for many of them to maintain a sizeable number of men on monthly basis. To have two classes of workers, governed by two different sets of service conditions, etc. as has been done in this country, tends to create additional problems for the working of decasualisation scheme. The conflict of interests between monthly workers and reserve pool workers has been a constant source of dispute both in Bombay and Calcutta, and particularly in Calcutta.

13. Apart from this vital defect in the Dock Workers (Regulation of Employment) schemes now in force in the three Ports, there has been a persistent resistance to the demand of other categories of dock workers for decasualisation. The Foreman, Chargeman, Cleaning Tindal and Cleaning Worker were originally included in the Schedule of the Bombay Scheme. The Cleaning Tindal and Cleaning Worker in fact got themselves registered. But subsequently their names were struck off the register on removal of these two categories from the Schedule. In Calcutta the Gunner and Foreman were registered in December 1953 but the benefit of the Scheme was not extended to them for about 10 months. The Clerk is included in the Schedule of the Calcutta Scheme. But registration of this category was withheld on objection from the employers and the tally clerks have not been registered upto date. Besides these categories of workers, who were included in the schedule but not given the benefit of the schemes, a number of other categories of workers, such as chipping and painting worker, rigger and derrick-fitter, stitcher and bagger, coal worker, watchman, worker employed on shore for handling of cargo through contractors and the casual worker employed directly by Port Authorities, continued to agitate for registration and regulation of employment. But not only their demands remained unheeded, but attempts have been made to suppress their movement, not unoften with police help.

14. All these created a sense of frustration in the minds of the dock workers and estranged the relation between the employer and employee. The situation further worsened when the employers tried to enter into Union politics with a view to weaken the united force behind the workers' demand, or when the Government went out of their way to back a particular Union. In Bombay, for instance, the number of members of the Dock Labour Board was increased from 12 to 15 primarily to give an additional seat to a particular Union affiliated to I.N.T.U.C. The Master Stevedores Association of Calcutta in a letter to the Secretary to the Government of India, Ministry of Labour, stated that the members of the Association had not recognised a particular Union "because of their political affiliation.....". Although the Association were reluctant to grant such recognition.....they accepted the advice.....because it appeared to be Government's policy that the Union should be recognised." On another occasion the Calcutta Port Authorities came to an agreement with a Union in regard to method of recruitment of workers. The object was to prevent the Sardars from realising money from the men presented for recruitment. But the agreed procedure of recruitment had to be given up after the men on duty were checked and identity slips issued to them because the State Government wanted recruitment through the Sardars on demand from another Union.

15. The employers' resistance to organised labour is very common in this country. It is particularly pronounced in labour contractors whose main business is to trade in other's labour. The employers of casual labour, who have been accustomed to hire or fire at will, have a particular fascination for the system. For it enables them to keep a labour force much in excess of requirement without having any liability to find either employment or minimum earnings for the workers. A number of documents and other evidences were brought to the notice of the present Committee which not only give a lurid picture of the system of employing of casual labour in vogue in the Ports but also point to the employers' anxiety to retain it by means fair or foul. It is only natural that those, who are required under the pressure of law to make special provisions for maintaining decasualised labour, would try to denounce it on some pretext or other. It was not therefore unexpected that the Stevedores, the shipping companies and the Port Authorities would be critical of the working of the Dock Workers (Regulation of Employment) Schemes. While thus the growing consciousness in the workers tended to make them aware of their rights and privileges, the employers were inclined to take recourse not unoften to dubious methods to resist or at least to defer the introduction of the system of decasualisation and create difficulties in its working when introduced. Frequent conflict between the two interests took place consequently. If therefore the relation between the employer and employee continued to deteriorate in the Ports, it was not due to any inherent flaw or wickedness in the system of decasualisation, but because of failure on the part of the employers to appreciate its social necessity. Decasualisation brings a new outlook. It inspires hope in the workers, and gives them a sense of security which was never there for them before. It calls for a new relation between the employer and employee—a relationship that exists between two equal partners in a common enterprise. But we found that a large and dominating section of the employers were not prepared to appreciate this basic principle of decasualisation. The atmosphere necessary for proper and smooth working of the Dock Workers (Regulation of Employment) Schemes was thus wanting.

16. We have to point out that the main report does not take this important factor into consideration in its assessment of the working of the Schemes. It relies largely on the complaints and allegations made by the very interests which were opposed to decasualisation and had no regard for labour or its needs and aspirations. When told by the Committee how malpractices operated in the employment of casual labour and how the labour contractors exploited their workers the representative of a shipping company said "I am not concerned. All I am concerned with is whether work is done promptly or not". The main report, however, accepts the contention of these interests and tends to conclude that things have gone wrong in the Ports because the schemes have taken away from the Stevedores the power to take disciplinary action against the workers, and because the workers are disinclined to put their full effort to production, as their minimum earnings is ensured under the scheme. The recommendations incorporated in the main report are therefore largely concerned with the problem of discipline and payment by result. The main proposals may be summed up as follows:—

(1) to give more powers to individual or organised body of

Stevedores to take disciplinary action against the pool workers,

- (2) to allow individual stevedores or a group of Stevedores to lift as many monthly gangs as they can,
- (3) to vest special power in the Chairman to take disciplinary action, and
- (4) to make payment to the workers by result.

17. The main report's primary concern seems to be the problem of output of labour and turn-round of ships. We shall examine the suggested solutions in this light.

(1) *Disciplinary Action.*—It is proposed that the Stevedores, through their organisation should be able to take disciplinary action against the workers in the reserve pool register. Even under the present scheme an individual stevedore has the power to suspend a R.P.W. for a day—that is, because he remains the employer of the worker only for the day the latter is allocated to him. What is proposed now is that a stevedore should have the power to stop a worker's booking for a longer period through his Association. The question of equity apart, will this help remove the alleged indiscipline? The stevedores had unlimited powers before decasualisation to take any action that pleased them against their employees. The employers in the non-decasualised sector, such as chipping and painting, coal labour, etc. have these powers even now. But we find from the volumes of documents supplied by the Master Stevedores Association of Calcutta that complaints were made of indiscipline as early as February, May and July, 1951. Cases of indiscipline amongst the non-decasualised workers are reported frequently even now. Besides, the stevedores have unlimited right to take disciplinary action against the monthly workers. But that did not stop deterioration in their output. Table XXIII in Paragraph 506 of the main report shows that in Bombay there was a steep fall in the earnings of bonus by the monthly worker in comparison with that earned by the pool worker. Earnings of bonus have been stated to be the index of good work. While the amount of bonus earned by the R.P.W. declined from about Rs. 45,000 in 1952 to about 17,000 in 1954, that earned by the monthly workers declined from about Rs. 25,000 to about Rs. 2,000 during this period. It has also been argued that the present system of dealing with the question of discipline through the Special Officer shuts out direct and closer contact between the employer and employee and in consequence an attitude of indifference develops in the worker towards his employer. But it should be noted that even before decasualisation the Stevedores had little direct contact with their workers. All they were concerned about was a certain number of workers who used to be brought by Sub-Contractors known as Sardars or Tollywalas. Even to-day the labour contractors in non-decasualised sectors have very little direct contact with the workers. That apart, even under the new arrangement as proposed in the main report, disciplinary action will not be taken directly by individual stevedores but by their association through a labour officer. The only difference between the existing system of enforcing discipline through the Special Officer and the proposed procedure of having it done through a labour officer appointed by the Stevedores Association is that the labour officer being an employee of the stevedores

would be more inclined to act according to the wishes of the employers. But that would be contrary to principles of natural justice. Evidence shows that the Special Officers took quite severe action against a large number of workers on complaints made by the Stevedores. If that has not improved the situation, there is no reason to believe that it can be improved by entrusting a Labour Officer with power to take disciplinary action. The argument that by giving the power to take disciplinary action to the Association or Associations of the Stevedores a better personal relation will be established between the employer and the worker is merely wishful and can bear no scrutiny. The institution of an administrative body is as impersonal as the institution of an administrative officer. So also the institution of Special Officer and that of Labour Officer are equally impersonal in the context of employer-employee relation. There is no qualitative difference between the two. While therefore the main report's recommendation offers no solution to the question of discipline, it tends to give rise to serious misgivings in the minds of the workers. The latter are likely to feel that they are being denied of their right to be tried by an impartial body before they are punished for an alleged offence. This, instead of creating better relations between the employer and employee, is likely to engender more bitterness to the detriment of smooth working of the Ports. It thus gives no solution to the problem of output of labour or turnaround of ships.

The review of the work of the U.K. National Dock Labour Board, 1947—1949, referred to the question of disciplinary action and pointed out the difficulties arising out of "the duality of the workers' responsibility—to the Board, and to the employer to whom he is allocated. The dock worker tends to regard the Board more and more as his employer and resist any orders from other quarters; the employers complain that disciplinary action, because of procedure of the scheme, is slow". The Board in its annual report for 1954 observed with reference to the above comment "It is felt these comments have gained additional force in the light of subsequent events: whatever outcome may be contemplated, one thing seems clear now as then, that co-operation and goodwill are essential foundation for an effective scheme of decasualisation". We do not feel that in India the objective can be achieved by any other means.

(2) *Monthly Gangs*.—The other solution suggested in the main report is that the employers individually or collectively should be allowed to employ as many men as possible on monthly basis in order to exert a greater control on the workers. The main report (paragraph 821) refers in this connection to the observation made by the British Committee in 1950 (it may be noted that the British Government have not been able to make up their mind in course of the last five years in favour of accepting the Committee's suggestion). The analogy drawn between the monthly workers here and weekly workers under the U.K. Scheme is somewhat unrealistic. It should be borne in mind that the entire force of dock workers (over 76,000) in the U.K. practically constitutes a single pool, and its employment is controlled and directed by the central and regional offices of the National Dock Labour Board. Workers are transferred from the ports where there is a surplus to those where there is a shortage. In spite of this high degree of mobility of labour, 12 per cent. of the

labour force remained without work throughout 1948, and 9·5 per cent. in 1949. And "in spite of this surplus, the Board was unable on many occasion to meet all requirements, although men were transferred daily from one port to another and non-registered men were used in some ports" (Review of the work of the National Dock Labour Board, 1947—1949). Conditions in India are altogether different; not only the employment of a worker is restricted to a single port, but there are different sets of workers for handling different types of traffic. The Port authorities have a labour force of their own to work on shore, while contractors engaged in handling certain traffic on shore have separate forces of labour. There are separate labour forces to handle coal in different parts of the same port. Salt is handled by another set of workers. And for general stevedoring work we have a different force of labour. Division of the decasualised workers into monthly gangs under individual employers, monthly gangs employed by groups of employers and reserve pool workers will only further restrict the mobility of labour. It will create greater disparity between the earnings of different classes of workers and thus help generate discontent and disaffection. Besides, the preference for monthly workers as expressed by certain sections of employers is a recent development. Even they individually are not prepared to take the responsibility of maintaining any significant number of monthly men. What they seem to want is that the stevedore association or a group of stevedores should be allowed to maintain a number of monthly men to be employed by their members according to their requirements. It does not therefore solve the problem of personal relation. The dual responsibility of the worker—to the organisation that might be set up by respective groups of employers and to the individual stevedore to whom he is allocated temporarily—will still be there. The other argument advanced in favour of monthly workers is that the output of monthly workers is higher than that of the R.P.W. We have, however, observed above that in Bombay the amount of bonus earned by the monthly workers dropped more steeply than that earned by the pool workers. If it indicates anything it is the superiority of output of the latter. There is no other data available for the Committee to make a comparative assessment of the rate of output of the monthly and the pool workers in Bombay. In Madras, only foreman, tindal and winchman are on the monthly register. Out of 964 stevedore workers only 12 are on monthly register. The question of comparison therefore does not arise there. The only statistics that are available for such a comparison are those supplied by the Master Stevedores' Association of Calcutta (Table XXIV, paragraph 511 of the main report). Normally maintenance of accurate statistics is not a strong point with the stevedores, particularly in Calcutta. But surprisingly enough, they supplied the figures for nine months from July 1953 to March 1954 to show how the average output per gang declined after the decasualisation. The figures do not give a comparative study of the output of monthly and pool workers. The M.S.A. was subsequently asked to supply figures for as long a period as possible before July, 1953, and after March, 1954. But for reasons best known to the Association it expressed its inability to supply any further data in this respect as they have no more figures (*vide* letter of the Secretary, Master Stevedores Association to the Committee). It is therefore not possible for us to assess the value of these figures. The

M.S.A. supplied in its memorandum another set of data covering a few weeks' working to show comparative output of monthly and pool workers. But these data indicated that in some cases the pool workers gave a better output, while in other cases the opposite was the result. The M.S.A. witness being questioned on the point by the Committee took time to send his explanation which was never received by the Committee. So far as the comparative superiority of output of monthly workers is concerned it remains a matter of opinion only. No objective data is available to the Committee for testifying the observations made by certain sections of employers. It should further be noted that though the schemes permitted lifting of monthly gangs without any restriction, the stevedores did not show any eagerness to increase the strength of their monthly men till recently. The employers in Madras, in fact, expressed their inability to employ stevedore workers on monthly basis and are keeping the present strength because of compulsion in the stipulation of their registration as employers. They are very clear on the issue. They feel that the stevedores do not have enough or continuous work to justify maintenance of a force of regular and monthly paid workers. The same is the opinion of a considerable section of stevedores in Calcutta. Although the scheme has been in operation in Bombay since February, 1952, the strength of the monthly men remains what it was at the starting of the Scheme. There was never any restriction in Bombay and Madras on lifting of monthly workers, and even in Calcutta till May, 1954. But an overwhelming majority of the workers continued to be in the Reserve Pool Register in all the ports. Neither the employers nor the workers expressed any eagerness for increasing the number of monthly workers. On the other hand, some employers in Calcutta returned their monthly workers to the pool. The employers generally agitated for restricting the field of decasualisation. They wanted certain categories of workers to be removed from the schedule. They objected to extension of the Scheme to any other categories. It is not the efficiency of monthly paid workers which they wanted to tap. They, on the other hand, thought that they would get better and more efficient work from casual workers. The desire for pooling the monthly men under the control and supervision of a group of employers is thus of very recent origin. With the decasualisation of dock workers and establishment of statutory bodies such as the Dock Labour Board, the services of middlemen like labour contractors or stevedores, whose main function is to supply labour, tend to become less and less important. It is not unlikely therefore that such employers would try in their self-interest to get together to maintain a larger labour force outside the direct control of the Dock Labour Board. Whatever may be the reason behind the move to maintain a pool of workers under the exclusive control of a body of employers, it is no solution to the problem of employer-employee relation or of output of labour and turn-round of ship. By substituting a tripartite body, in which labour has a voice, by a body of employers, the relation between employer and employee cannot be improved. It would, on the contrary, create misgiving and suspicion in the workers' minds. That is a doubtful way for promoting "co-operation and goodwill".

(3) *Special Power.*—The other solution suggested is vesting special powers in the Chairman. It is difficult to understand how

the normal activities of a port can be run under the constant threat of emergency powers. Normal functioning in any industry needs co-operation, mutual understanding and goodwill on the part of all the parties concerned—in the present case the employer, the workers, the Port authorities, the shipping companies and the Government. The sword of Damocles that may be hung over the head of the workers under emergency powers may succeed in restraining the workers from openly expressing their grievances for the time being. But that cannot create the congenial atmosphere necessary for harmonious work. Normal conditions of work cannot be created by threat or coercion. That is a doubtful weapon for the establishment of harmonious employer-employee relation which is the *sine quo non* of efficient and peaceful work. Many a time during the last few years attempts have been made to change the workers' attitude with the help of the entire law and order machinery. The workers were beaten up by the police for indiscipline, large numbers of them were arrested on various charges, and their leaders were kept in prison without trial. But that only helped increase the insecurity of the workers. It made them more and more desperate. More power in the hands of the Chairman of a Port to deal summarily with cases of indiscipline will only heighten the feeling of insecurity. That is not a very dependable means to increase production.

(4) *Piece Rate*.—There cannot be any difference of opinion on the principle of relating earning to production. But its smooth working depends on a number of factors. A system of payment by result is particularly difficult to evolve for work in a port where the individual output cannot be measured precisely and where individual effort is only one of the many factors which contribute to the rate of output. The system of payment in ports has therefore been determined largely by convention, long standing practices and local agreements. Any attempt to change the existing practice radically in respect of method of payment as proposed in the main report will only help create further complication and confusion. The following quotations from the Review of the work of the U.K. National Dock Labour Board, 1947—1949 is elucidative:

“Conditions of work on the docks are very different from those of other industries. Local conditions vary so considerably from port to port, between cargo and cargo, between ship and ship, and even between the holds of the same ship, that a detailed and complex series of local Agreements has been required to translate the National Agreement into terms applicable to conditions in the individual ports.

“Even these Local Agreements cannot provide for all the varying conditions. For example, a cargo for which a rate has been previously negotiated in the locality may in the particular case have to be worked in conditions so different from the normal that the agreed rate for the job does not provide a fair rate of pay. Consequently, in addition to the many Local Agreements, a “spot deal” is often required. These negotiations can frequently be settled quickly; but sometimes more than one employer may be involved and a too-hasty settlement may easily create an unfortunate precedent or disturb other rates of comparable jobs”.

We have given above the quotation at length. For, many seem to feel that a formula for piece rate can be worked out in the study room for application in all ports, under all conditions and for all time to come. In the U.K. the piece rate has been in existence for decades. There the employers as well as the workers know what it is and how to work it out, modify or change in altered conditions. But even there dispute often arises over already agreed rates. But in this country the system of payment varies from port to port, between different classes of workers in the same port and under the same employer (for instance, the Calcutta Port Commissioners pay monthly salary, piece rate and time rate to three different classes of workers employed for the same kind of work, in the same place and at the same time), and between different types of traffic. Employers in this country are not normally inclined to adjust rates with varying conditions (for instance, though the composition of cargo has undergone considerable and rapid changes during recent years, the Bombay Port authorities persistently refuse to work out a new datum line in agreement with the workers). The success of a system of payment by result depends very largely on the willingness of the parties concerned to work according to agreement and make fresh agreements as and when called for by changed conditions or local variation. It may be noted in this connection that although the Industrial Tribunal awarded a system of payment by result in Cochin, by which the workers were entitled to earn at a higher rate beyond a certain datum line, and the employers were allowed to pay at a reduced rate if the output fell below the normal target, both the employers and workers considered it unworkable and agreed mutually not to ask for enforcement of the award. But in regard to payment by result the main report has taken a rigid view. Many of the representatives of the employers, business interests and shipping companies were asked if they could suggest a workable system of piece-rate payment. Although many of them expressed their preference for some kind of piece-rate system, none of them had any specific suggestion to make. They must be aware of various types of piece rate in operation in this country and elsewhere. What prevented them from making any specific suggestion in this respect, we need not attempt to guess. It must be realised, however, that if a system of payment by result is to work it must be worked out by mutual agreement between the parties concerned in the light of local conventions and conditions. It cannot be enforced by law. But the main report seems inclined to set a pattern of piece-rate payment and make it obligatory on the ports to introduce it if necessary with some modification. This, we are afraid, instead of improving any port's working, will give rise to confusion.

18. Some of the observations made in the main report and conclusions drawn need to be examined in the light of evidence.

(1) *Employers' Resistance to decasualisation.*—In paragraph 114 it has been stated that after the inception of the Schemes complaints started coming in about unsatisfactory working or adverse effect of the Schemes from the shipping companies, stevedores, certain chambers of commerce and other commercial interests and the Port authorities at Bombay and Calcutta. The conclusion is irresistible that these interests, which profited by employment of casual labour without having to shoulder any responsibility to meet human needs and

requirements of the workers, started a systematic campaign against the schemes almost from their inception. Although no serious complaints were received by the Government about deterioration of output in the Madras port, where the scheme was implemented only in August, 1954, the annual meeting of the Associated Chambers of Commerce held at Calcutta in December, 1954, found things even in that port pretty bad (Paragraph 312). This resistance of the entrenched interests in the industry to decasualisation came to a climax when in the middle of March, 1955, not long before the Committee was scheduled to hold its session at Calcutta, the shipping companies raised a bogey of "mob rule" in the Calcutta port and stopped loading and unloading of ships in the port without notice and without prior consultation with the Government and against the advice of the Chairman, Calcutta Port Commissioners. These interests had also been contemplating a levy of surcharge on the shipping freight. The existing freights are already more than 350 per cent. higher than their pre-war level. Some pretext was therefore necessary for a further increase in the freight. But while the Government have in no uncertain terms denounced such tendencies (The Deputy Minister for Transport deplored that the "well-entrenched conference lines sought to increase surcharge on any and every pretext and thus dictate terms"—the *Statesman*, August 24, 1955), the main report (Paragraph 317) seems to uphold the view of the shipping companies without examining relevant facts. The following quotation from the London *Economist* will give an insight into the problem of shipping freight which is faced not only by India but by many other countries. The British liner companies have sought to increase freight rates on traffic between the U.K. and Australia by 10 per cent. and between the U.K. and New Zealand by 5 per cent. from July 1, 1955; against this the Government of Australia and New Zealand have already raised their voice. The *Economist* (May 21, 1955, page 703) observes:

"The increases, however, can scarcely have come as a surprise, since liner freight rates on most of the world trade routes have already been increased by between 7½ and 15 per cent. in the last six months. . . . meanwhile general tramp rates are again showing a strong rising tendency. . . . This month grain chartering has been resumed on a larger scale and rates have responded sharply. It now also appears that ore and coal import requirements of the United Kingdom and Western Europe for the rest of this year are going to be greater than was at first expected; and grain charterers seem to have been slow to cover their requirements. Shipping of Australian and American grain, in particular, may find the North Pacific short of tonnage when the time comes. The tanker market, however, is still overstocked with tonnage; and it is interesting to note that quite a number of these vessels are now being converted into ore carriers to take advantage of the brighter prospects of employment in this trade".

The recent move to raise freight rates is thus a world phenomenon. The causes lie largely in the change in the demand and supply position of shipping in the world market. The contention that the liner conferences were led to the decision to levy a surcharge "in order

to compensate the shipping companies for the losses they alleged they were suffering due to unsatisfactory conditions prevailing in these ports" is not therefore as innocent as it is made to appear.

(2) *Labour Strength—Bombay.*—In Bombay the Dock Labour Board made a move almost from the inception to limit the scope of the Scheme. At the fourth meeting of the Board held on September 27, 1951, it decided to remove the categories of cleaning tindal, cleaning worker, foreman and chargeman from the schedule (Paragraph 207). It appears that from the very beginning the Board tried to keep the number of registered men much below the required strength. For decades it has been the practice in Bombay to employ a dock worker consecutively in more than one shift. "In Bombay we were informed that, if a ship is working continuously day and night, a gang is ordinarily required to work three consecutive shifts—a day, a night and a day, i.e., 25 hours excluding breaks" (Report of the Royal Commission on Labour in India). Evidently, the same practice was followed even after the implementation of the Scheme. The number of registered men stood at 3,384 at the end of 1952 and 3,572 at the end of 1953. It has been the custom in the Bombay port to take more work from less number of men. The practice was the same even with the Bombay Port authorities. In course of his evidence before the Committee, Sri A. M. Sheikh, Deputy Docks Manager, Bombay Port Trust, stated that "2,880 men were added to the original number of 2,440" casual workers as "according to the Minimum Wages Act, we cannot work them in the second shift. No worker can be allowed to work in excess of 12 hours in one calendar day". The allegation that the demand for increasing the strength of the stevedore workers was "resisted by labour interests" (Paragraph 219) tells only the half truth. The actual fact is that the workers demanded that the guaranteed number of days of employment should be increased from 12 days before the strength of workers was increased. But while the Dock Labour Board was anxious to remove some of the categories of workers from the schedule and approached the Government for necessary sanction, in spite of opposition from the workers' representatives, the claim of the workers for increasing the guaranteed days of employment was never entertained by it.

(3) *Labour Strength—Calcutta.*—In Calcutta the Scheme was started at a time when the traffic was particularly low in the Port. In the initial stage of the working of the scheme, the number of men registered appeared to be in excess of requirements. But with the return of normal traffic towards the middle of 1954, the number was found to be just adequate (Paragraph 257). It is to be noted that with the introduction of leave rules, even in Calcutta a shortage of labour was felt, and granting of leave had to be restricted and gunners, and winchmen had to be recruited. The trouble in the Port actually started with lifting of monthly gangs. It was done at a time when the traffic was low. It tended to further reduce the chances of employment of pool workers. The fear that a large number of workers might be retrenched gained ground with the spread of the talk of surplus labour by employers.

(4) *Labour Strength—Madras.*—In Madras the number of registered men was kept under-strength as a result of which a considerable number of casual men have been employed quite frequently

from the inception of the Scheme, while a number of dock workers eligible for registration were debarred by an arbitrarily laid down time-bar.

(5) *Indiscipline in Bombay.*—The account given in Paragraph 305 about indiscipline amongst pool workers and adoption of 'go slow' does not give a correct picture of the situation in Bombay. We have already observed above that the labour interests were not opposed to increasing the number of registered men. But there were genuine grievances of the shore workers and stevedore workers. The authorities concerned took rather an adamant attitude, and, would not agree to settle the disputes through mutual negotiation. The Port authorities resisted the demand for increasing the strength of decasualised shore labour. The disparity of income between the monthly and pool workers gave rise to serious discontent. There was practical difficulty in working the datum line in a number of cases because of change in the pattern of traffic as well as composition of labour since 1947. A revision of the datum line was therefore called for in the light of changed conditions. But the authorities concerned could not see their way to an amicable settlement of the dispute. The relation between the labour and the employers therefore continued to deteriorate. It would not, therefore, be correct to say that the deterioration in the relation, which might have some effect on the work, was in any way related to the working of the Scheme.

(6) *Trouble in Calcutta.*—The question of surplus labour in Calcutta (Paragraph 306) has already been discussed above. In regard to the very depressing picture given about Calcutta in Paragraphs 307—310 all that need be said is that it is an exaggerated account of a certain section of interests which has been always critical of the principle of decasualisation itself. No authentic data was available before the Committee to verify the allegations made by most of them. There might have been occasional disturbances as a result of which work suffered. But such disturbances took place even before the scheme was introduced. They are a part of industrial dispute and need be dealt with as such. But the employers and certain other interests in Calcutta tried to exploit the situation for ulterior purposes, as a result of which the situation became complicated.

(7) *Case of Madras.*—That the attack on decasualisation was a planned move is betrayed by the allegation made by the Associated Chambers of Commerce in December, 1954, about "deterioration in output of workers" in Madras (Paragraph 312). It is interesting to note that while complaints made by workers relate mainly to violation of specific provisions of the Scheme by the employers, the latter always tried to show that production has decreased and indiscipline increased after the introduction of the Scheme. No comparative figures are, however, available to prove the employers' contention. Nevertheless, it indicates their attitude towards decasualisation.

(8) *Turn-round of Ships.*—The main report quotes the observations made by certain shipping interests and Chambers of Commerce (Paragraphs 401—405) which allege that turn-round of ships slackened after the introduction of the Schemes. No authentic data covering a fairly long period were, however, available for comparative

assessment of the condition obtaining before and after the introduction of the scheme. Most of the figures submitted were found to be inadequate and incomplete. In certain cases they appeared to have been specially selected in order to prove a certain conclusion. The Committee had, therefore, to reject a large mass of data as they were found to be of little value for comparative study.

(9) *Output in Madras*.—It has been pointed out in the main report that no serious complaint was made about deterioration in output of labour in Madras. But in its statement before the Committee the Southern India Chamber of Commerce observed that “after the scheme came into operation turn-round of ships at Madras had been affected adversely” (para 405). No supporting data was, however, supplied by the Chamber. It will be interesting to note the views of the Chairman, Madras Port Trust, on this point.

“I have heard reports here and there of delays in the turn-round of ships. This has invariably been attributed to the decasualisation. It may be true that the average number of days a ship stays at the port has slightly increased during the last year. There are very many contributory factors. One is that the pattern of trade passing through the port itself has changed during recent years. Madras Port which was mainly an importing port till 1951-52 (export formed only 1/6th of the import) has begun to change into exporting port also (export has gone up to about 1/3rd of the import). The increase in tonnage of exports is chiefly due to a large increase in the export of ores. This commodity takes a good deal of time in shipment because the entire process depends on manual labour (the port expects to provide in the course of the next two years, a mechanically equipped berth). The congestion caused by the bunching of steamers during certain periods, the strict enforcement of the hours of work, etc., for stevedore workers and the increase in the tonnage handled by the port since October, 1954, are other relevant factors. So it cannot be said that decasualisation alone has led to slackening in the turn-round of ships”.

(10) *Other Factors Ignored*.—The main report (Paragraph 435), adopting a legalistic view, takes no cognisance of any other factors that might influence the output of labour or the turn-round of ships, on the ground that these were not formally placed before the Committee. The main report is therefore inclined to conclude that “apart from the change in the method of supply of labour to the employers brought about by the implementation of the Decasualisation Schemes”, there has not been any major change in the working of the ports. But as these factors react on each other and affect a port's operation, it was necessary for the Committee to examine them for expressing an opinion on the question of output of labour or turn-round of ships. The fact that no witness made any serious attempt to draw the attention of the Committee to the other factors does neither disprove the latter's existence nor eliminate their influence. Whether, therefore, the Committee takes these factors into its consideration or not, they will continue to react on a port's working. The pattern of traffic and composition of cargo continue to change. The port facilities and gear have, on the other hand, remained more

or less unchanged in most cases. Many of the key lines and sheds in some ports are in a bad state of repair. These factors do affect output of labour and turn-round of ships. The trend of earnings of primary labour in the Calcutta port may be cited as an illustration. These workers earned their wages on a piece-rate basis. They are paid a fixed monthly dearness allowance at a flat rate, apart from what they earn by handling cargo at the rate of annas eight and six pies per ton. As their earnings depend on the amount of cargo they handle, there is no reason to believe that they would deliberately slacken their output. On the other hand steady rise in their earnings from 1949-50 to 1951-52 shows that there was an improvement in their output after decasualisation. But there was a steady decline from 1951-52. The average earnings (excluding D.A.) of a piece-rate worker was Rs. 61/1/- in 1949-50. There was a rise to Rs. 62/1/- in 1950-51 and to Rs. 89/5/- in 1951-52. And during the following three years, 1952-53, 1953-54 and 1954-55, the average earnings were Rs. 74/2/-, Rs. 67/6/- and Rs. 55/10/- respectively. These workers were decasualised in April 1948, and their conditions of service remained unaltered since then. The rise and fall in their earnings cannot therefore be attributed to decasualisation or any abnormal condition of indiscipline. The causes of deterioration must therefore be sought in deterioration in the working condition of the port and change in pattern of traffic, etc. But the main report tries to build up its entire case on turn-round of ships on two assumptions—that all factors, excepting one, operating in the port have remained constant and that the only factor which has been variable all through is the willingness of labour to work and to abide by the rules of discipline.

(11) *Productivity*.—We are not as convinced as the main report is about the authenticity of the data from which it draws "certain definite conclusions" (Paragraph 501). Some of these may be examined here.

- (a) The Bombay Stevedores Association supplied operational figures of 41 ships, 19 of which worked before the implementation of decasualisation scheme and 32 worked after the scheme was implemented, to show slackening of turn-round of ships during the latter period. The first period covered 4 months from October 30, 1951, to February 29, 1952, and the latter period covered 4 months from April 2, 1953, to July 23, 1953. While dry and cold months were selected in the case of the former, hot and wet months were chosen in case of the latter.
- (b) Figures supplied by the Association to show the rate of output per hook are only abstract obtained from the Bombay Port Trust. It is not known therefore if the Association itself maintains any statistics. Besides, these figures indicate a fluctuating trend. In some cases output per hook considerably improved after decasualisation. A casual relation between output and decasualisation is therefore difficult to establish.
- (c) The Karmahom Conference, Bombay, supplied output figures of 7 lines out of 19 lines constituting its membership. The conference, besides, expressed its inability to disclose the source of its data (paragraph 504). Here also,

the output trend is fluctuating and hence indicates no casual relation between output and decasualisation.

- (d) The Indian Coastal Conference could give figures for only two of its members (paragraph 505). The source of the figures was not disclosed. The traffic carried by these lines declined steadily since 1951. They give output per gang and not per hook. In many cases the actual number of gangs employed by a stevedore is different from that which enters into the account of a shipping company. The average output per gang thus derived may not therefore give a correct picture.
- (e) Comparable information available in regard to Calcutta is even worse (paragraph 501). The Master Stevedores Association was able to give figures only for 9 months from July, 1953 to March, 1954 (paragraph 511). This is practically the only comparable data from which the main report draws its conclusion in regard to the trend of output before and after the introduction of the scheme.
- (f) Figures supplied from Madras cover only 6 months' operation (paragraph 517) from which no conclusion can be drawn in regard to casual relation between decasualisation and output. Furthermore, output in respect of different commodities indicates contrary trends.

(12) *Cost of Handling Cargo*.—Although direct labour cost is the same in the case of all stevedores, the rate at which the shipping companies make payments to the stevedores varies widely. Not many of the shipping companies or stevedores would, however, disclose the rate given to or received by stevedores. The information is relevant in view of the fact that trade has to bear the whole cost. But when requested to give an analysis of stevedoring cost of a shipping company the representative of a company replied "I think you want this for attacking the stevedores and we are not willing to give the information." The stevedores pointed out that they have to meet a number of other expenses out of the margin they have after making payment to labour. But they would not give an analysis of their other expenses. It was not possible therefore for the Committee to ascertain how much of the expenditure of the industry is essential.

(13) *Shore facilities*.—Although certain labour organisations, agents and stevedore representatives complained against inadequacy of shore facilities and deficiency in the management of work on shore, the Committee, we feel, did not apply its mind to this problem. But efficient performance of dock work is to a large extent dependent on shore facilities and management of work on shore. The main report argues that there has not been a "decrease in the shore labour organisation" (paragraph 607). But the fact is that the shore facilities remain more or less the same since the war, while traffic in the ports has increased very considerably during this period. There have been heavy wear and tear of the key lines, sheds, gear, etc. since the war. But their repair or replacement is extremely slow. All these have a cumulative effect on the efficiency of the port's operation. But the Committee did not give any serious

attention to this aspect of the problem. Nevertheless, the main report goes on to say that "it cannot be accepted that there has been a deterioration in the shore facilities provided at these Ports". (Paragraph 615). We feel that an enquiry into the condition of the ports and their administration is urgently called for. With regard to shore labour it has to be pointed out that continued employment of casual labour by the Port authorities for their normal work is a serious weak point in the scheme of decasualisation of dock workers.

(14) *Dock Labour Board*.—We do not agree with the following proposals of the main report:

- (a) inclusion of the words "economic turn-round of vessels and the speedy transit of goods through the port" in clause 7(1)(a) of the scheme—709(a). It is difficult to interpret these terms precisely. They are therefore likely to give rise to unending disputes.
- (b) Though members of a statutory body represent some interest they function in the body as individuals. It is unusual to unseat a member because of any action of the interest he represents. We therefore do not agree with the proposal made in para 709(b).
- (c) We do not agree with the suggestion that the authority of a tripartite body should be curbed by vesting special powers in the Chairman.
- (d) There should be only one representative of the Port authorities on the Dock Labour Board. As the Chairman of the Port Trust will remain the Chairman of the D.L.B. and as he will be assisted by a wholetime Deputy Chairman, no other officer of the Port Trust need be a member of the D.L.B. Besides, the Port authorities are themselves employer of dock workers. An official of theirs may not be able to take an independent view in matters relating to labour which a Government representative is expected to take (paragraph 714).
- (e) For the administrative body to function effectively and efficiently, it must enjoy the confidence of labour and employers. The system of appointing the employers' organisation as the administrative body is unsatisfactory. In the U.K. the local boards, which are bipartite, are also administrative bodies. In India a bipartite body is not likely to function satisfactorily. A separate administrative body is not necessary either, when, unlike in the U.K., the Dock Labour Board in India is concerned with the work in a single port only. The Dock Labour Board itself should take direct responsibility of carrying on the day-to-day business through the Chairman and the Deputy Chairman as is done by the Port Trusts.

(15) *Regulation of Employment*.—The main report is in favour of maintaining a register of temporary workers to meet the demand resulting from short-term or seasonal fluctuation (paragraph 810),

while it suggests further restriction to mobility of labour by allowing individual and groups of stevedores to expand the number of monthly men (paragraph 825). This point has already been discussed earlier. There is a misconception about "regularity of employment." The main report says that it would be in the furtherance of greater regularity of employment if more men found their way into the monthly register. It points out in this connection that the number of weekly men in the U.K. rose by 1,001 to 15,549 in 1954. But it does not give the full picture. The total number of registered dock workers was 76,050 in 1954. Even in the U.K. where there is a high degree of mobility of dock labour (because the workers can be moved from one port to another whenever required), the weekly workers constitute only 20 per cent of the total registered men. It is therefore fantastic to think that the majority of the dock worker would ever be taken on to the monthly register. In India, particularly, where the employment of a dock worker is restricted to a single port and to specific jobs, it is uneconomic to maintain more than one pool. Greater regularity of employment does not mean more work for some and less work for others. Division of the dock workers into a number of pools or groups as suggested in the main report would only restrict further the elasticity of opportunity of employment. In respect of temporary register it may be pointed out that in the U.K., where a much higher volume of work is available to the dock workers, the total number of men permitted to be taken on temporary registers in 15 Local Board areas was only 2,130 in 1954 as against the total strength of over 76,000 registered men. In our view recruitment of temporary men should be avoided as far as possible. It would be inadvisable to give unrestricted authority to the Dock Labour Board or any other body employing labour to recruit temporary men, in view of the experience with employment of casual labour by the Port authorities.

The employers should not be given the right to select men for their monthly register as suggested in the main report (paragraph 823). Such selections would be made for all practical purposes by some petty agents of the employer. And it would open a floodgate to corruption, nepotism and favouritism and do away with the principle of seniority in respect of promotion.

We cannot accept the main report's suggestion that a group or groups of employers should be allowed to maintain a pool of monthly men (paragraph 826). It will destroy the very basis of decasualisation by creating so many little dock labour boards and administrative bodies.

(16) *Labour Relation and Discipline.*—We have expressed our views earlier on the question of labour relation and discipline. We feel that the employers and other interests tended to give rather an alarming picture of the condition of discipline in the ports. No data is, however, available on the basis of which a comparison could be made between the condition obtaining before and that after decasualisation. Certain documents submitted by the employers show that labour troubles were as much pronounced before decasualisation as now. If unlimited power to punish the workers had failed then to maintain discipline, there is no reason to believe

that wider powers in the hands of the employers or the Chairman to take disciplinary action will achieve any better result. The real fact is that there is nothing particularly wrong with labour. Employer and labour are passing through a period of transition—transition to a new human relation. The solution of the present trouble lies in accepting the change without reservation and not in resisting it.

(17) *Wages and Allowances.*—The question of payment by result has been discussed earlier in this note. In our opinion a radical change in the system of payment is likely to create more problems, give rise to unnecessary complications and solve none. A system of payment on piece rate basis may be introduced without serious difficulty in an industry where individual output can be measured precisely and where output depends largely on the effort put in by an individual worker. But its introduction in the dock in disregard of the existing convention is bound to give rise to a series of industrial disputes, which, instead of improving the output, would adversely affect it. We feel that the formula suggested by the main report will not be found acceptable in many places.

It has been argued that the incentive bonus system has failed in Bombay. But that is largely due to the fact that the datum line fixed for many cargo or shipping lines cannot be reached by normal effort because of considerable change which has taken place during recent years in the composition of cargo and pattern of traffic. The solution does not lie therefore in penalising the workers for not doing what they cannot do. It has been shown earlier in our note how the earnings of the piece rate workers in Calcutta have steadily declined during the last 3 years. That is partly due to the fact that traffic obtaining in the port today is more difficult to handle. In Cochin both the workers and employers thought it wiser to enter into an agreement in regard to method of payment against the Tribunal's award.

But contrary to common experience the main report seems to have assumed that there has not been any change in the composition of cargo and that even if there is a change it cannot affect the rate of handling. It suggests that a norm for normal work should be fixed on the basis of output during the war, prewar years as well as the years immediately preceding the introduction of the Scheme (paragraph 1003). The proposal is unrealistic. Composition of cargo, traffic pattern and condition of handling have undergone considerable changes during this period. A norm workable under a set of conditions may become very difficult to achieve under a different set of conditions. It has been pointed out in the main report that in the U.K. and in many other countries the dock workers are employed on a piece rate basis. But we have quoted in our note earlier that apart from the fact that the piece rate system has been in operation there for many years, the rates are very frequently readjusted in the light of changes in the condition of traffic. In our opinion it will be inadvisable to change radically the existing method of payment. As encouragement for a higher output, a simple incentive bonus system should be introduced. An achievable datum line should be fixed for the purpose. For any work done above the datum line the workers should be paid an

attractive extra remuneration. The datum line should, however, be fixed on the basis of the nature and condition of traffic obtaining currently. A more complicated system will not work.

(18) *Overtime*.—In all countries and in all industries any work done beyond the normal hours of work on the same calendar day and work done on holidays are treated as overtime. We therefore cannot agree with the suggestion made in the main report that the work done in a consecutive shift by a worker should not be considered as overtime. If a worker is required to be booked for a second shift on the same day he must be compensated for the extra strain caused by longer hours of work by payment at overtime rate for the work done in the second shift. There should be uniformity in the rate of overtime payment which should be the same rate as provided in the Minimum Wages Act.

(19) *Weekly Off*.—When a worker is paid at daily rate or on the basis of piece rate, he earns only when he works. It is not correct to say, as is held by the main report, that his daily rate or piece rate also includes the pay for the days he is given off. The system of allowing a worker to have a day off for rest after he has worked consecutively for 6 days is followed in all countries. It is necessary for his health and efficiency of work. The industry is as much benefited by it as the worker. If the worker earns a day's rest by working for six days it should not be off without pay. It is only fair that he is paid a day's wage when he is put off duty for rest especially when the Minimum Wages Act stipulates a separate pay for the off day.

(20) *Holiday*.—Dock work is more strenuous than that in many other industries. Yet the dock workers have to work even on days when others enjoy holidays. They are entitled to be compensated for that. If they have to work on holidays they should be paid at overtime rate. All the days declared as holiday by the Central Government should also be treated as paid holidays in the ports.

(21) *Institution of Stevedores*.—Stevedores are primarily labour contractors. With the introduction of decasualisation schemes this institution tends to become somewhat redundant. It is left with little direct interest either in the trade or in labour. Directly concerned with the industry are three parties—shipping companies, labour and port authorities. The function of the stevedores is to manage labour. But with a decasualised labour, that function would be performed better by an organised body like the Dock Labour Board or the Port authorities. In Calcutta, in fact, the Port authorities do a considerable amount of stevedoring work—handling of coal in the dock. All stevedoring work may therefore be handed over to the Port authorities by stages. A beginning may be made with the transfer of all bulk handling. There is great advantage in entrusting the Port authorities with stevedoring work. There will be greater coördination between shore work and work on board the ship. A greater mobility will be achieved in employment of labour through central control and guidance. We would recommend this for serious consideration by the Government and the Port authorities.

(22) *Decasualisation of Other Dock Workers.*—A very large section of dock workers still remains casual in the three ports. Continued insecurity of employment of these workers and consequent corrupt and malpractices have their repercussions on work. At least the most important categories of these casual workers need be decasualised without delay. These are:

- (i) Shore workers employed for handling of cargo on shore by the port authorities or labour contractors;
- (ii) Workers engaged in handling coal;
- (iii) Chipping and painting worker;
- (iv) Rigger and Derrick-Fitter;
- (v) Watchman;
- (vi) Barge and Lighterman;
- (vii) Markman;
- (viii) Stitcher and Bagger;
- (ix) Salt Worker.

Measures should be taken for early decasualisation of the above categories of workers. The Regional Labour Directorates in Bombay and Calcutta also expressed their views in favour of decasualisation of some of the above categories. There will still remain a number of categories of dock workers in the non-decasualised sector (paragraph 1218). It is only fair and just that schemes of decasualisation should be extended to these categories by stages.

(23) *Handling of Hazardous Cargo.*—In all ports outside India extra payments are made to workers for handling of dirty, noxious and corrosive materials. Similar provisions are necessary in Indian ports also.

19. We have tried to show in our note that the problem in the ports that arose in the wake of decasualisation of a section of dock workers is primarily a problem of psychological adjustment. A long-awaited change in the status of dock workers was set in motion by the implementation of the Dock Workers (Regulation of Employment) Schemes in the three ports of Bombay, Calcutta and Madras. Resistance to it naturally came from the entrenched interests in the industry. And they are yet to adjust themselves to new conditions. The workers, on the other hand, were anxious to preserve their gains. They therefore reacted jealously against any move on the part of the employers which, they thought, would weaken their newly gained position. The solution lies not in weakening the position already gained but in taking further steps which logically follow. We suggest below some of these steps:

- (1) administration of the scheme directly by the Dock Labour Board with the help of the Chairman and a whole-time Deputy Chairman;
- (2) progressive steps towards abolition of the institution of stevedores;
- (3) bringing all decasualised workers under a single pool by abolishing monthly register;
- (4) transfer of all stevedoring of bulk cargo to port authorities;

- (5) a simple and easily workable incentive bonus system for payment for good work;
- (6) speedy settlement of disputes between labour and employer;
- (7) decasualisation of dock workers in non-decasualised sectors, such as casual labour engaged on shore by the port authorities and contractors, chipping and painting worker, Stitcher and Bagger, coal worker, watchman, etc;
- (8) improvement in port facilities; and
- (9) promotion of human relations through provision of amenities and welfare.

We suggest that the Dock Workers (Regulation of Employment) Schemes now in operation in the ports of Bombay, Calcutta and Madras should be amended in the light of observations made above and not as suggested by the main report.

We also agree with paras (5), (6) and (7) of the note by Shree G. S. Dhara Singh.

BISWANATH DUBEY

ADHIR BANERJEE

6-9-1955.

COMMENTS ON THE JOINT NOTE OF DISSENT OF SHRI BISWANATH DUBEY
AND SHRI ADHIR BANERJEE.

1. Shri Dubey and Shri Banerjee evidently consider that the efficient performance of dock work and the speedy turn-round of ships are not so important as the rapid decasualisation of the dock workers. The other Members of the Committee, however, are of the opinion that while "better regulation of employment of dock workers" is a primary objective, "the efficient performance of dock work" is not less important from the national point of view and that the interests of dock labour can be best secured only if the Port Transport Industry as a whole functions smoothly and efficiently. This fundamental difference in the outlook of Shri Dubey and Shri Banerjee from that of the other Members of the Committee accounts for the trend of their note of dissent.

2. Some of the items included in this note, such as the opposition of certain Stevedores at Calcutta to the recognition of a certain Union there, are not within the purview of the Committee and were never discussed by it at any stage. The arguments advanced in the note in respect of other items were fully taken into consideration by the Committee before they reached their final conclusions and no elaborate comments thereon are, therefore, necessary.

3. It may, however, be mentioned that the Committee, having accepted their suggestions in regard to the drafting of large number of paragraphs in the Report covering some points, had thought that there was unanimity in respect of those items; they have, however, now thought it fit to dissent even on some of these points; the observation contained in para. 18, item 14(c) of their note is one such instance.

4. Their observations in para. 18, item 17, are also based on a misreading of para 1003 of the Report. The Committee has not suggested that the performance during the war and the pre-war years should be taken into account while prescribing the norms or standard output.

5. It may also be pointed out that the statistical information on which the Committee has based its conclusions has not been obtained only from the Stevedores and the Shipping Companies but it has also been obtained from independent sources such as the Port Authorities and the Dock Labour Boards.

S. S. VASIST—Chairman.

Members

A. RAMASWAMI MUDALIAR

S. C. SHETH

A. N. CHOWDHURY

G. S. DHARA SINGH

K. MITTER

VINCENT VAZ

V. A. JAYWANT

NEW DELHI,
the 7th September, 1955.

Summary of Conclusions and Recommendations

(The numbers mentioned at the end of each paragraph indicate the paragraph numbers in the Report.)

1. According to Clause 7(1)(a) of the Schemes it is one of the functions of the Dock Labour Boards to secure 'economic turn-round of vessels and speedy transit of goods through the Port'; it would appear that this item has not received their due attention. (414)

2. There has been a progressive deterioration in the turn-round of ships at Bombay and Calcutta upto 1954 which was the worst year in this respect. This deterioration was due to a decline in the effective output of labour, for whatever reasons. In Madras, there has been a deterioration in the overall cargo handling period in respect of imports in the post-decasualisation period, partly due to a slight increase in the proportion of difficult handling cargo and partly for loss in effective productivity. There has been a slight improvement in respect of exports in which the proportion of easy handling cargo has also increased. (440)

3. There has almost been a progressive deterioration in the output of dock labour at Bombay and 1954 was the worst year in this respect. The overall decline in the output during that year was of the order of 30 per cent. as compared with that of 1951, the year just preceding the introduction of the Scheme. The deterioration in the turn-round of vessels at Bombay which was also worst in 1954, is entirely explained by the deterioration in the labour output. (508)

4. The extent of the decline in the effective output of labour in the post-decasualisation period would account for the deterioration in the turn-round of ships in the Calcutta Port. (516)

5. At Madras, in the post-decasualisation period while there has been a decline in productivity in case of general cargo and sugar by 34 per cent. and 23 per cent. respectively, there has been an improvement in the case of bag cargo by 11.7 per cent. In the case of Ore, the level of output before and after the introduction of the Scheme has been the same. (517)

6. The output of both pool and monthly stevedore workers at Calcutta was the lowest in the three Ports and there is a considerable difference between the productivity of the workers at Calcutta and that of the workers at Bombay and Madras. (521)

7. Workers arrive late for duty and leave early. The Deputy Chairman, the Executive Officer and other Officers of the Dock Labour Board should make frequent checks to ensure that workers start work punctually and do not leave before time. (529)

8. The stevedoring expenses form a small part of the total of other expenses. The actual labour cost will be even less. A slight increase in the direct stevedore labour cost, if necessitated by the provisions of the Scheme, should not, therefore, normally make a considerable difference in the overall transport expenses. (541)

9. It cannot be accepted that there has been a deterioration in the shore facilities provided at these Ports. There has, however, been little or no modernisation or improvement in respect of the lifting appliances at Calcutta and Madras. The attention of the Port Authorities may be invited to the desirability of providing modern and more efficient appliances, not only while making replacements of existing assets, but also as additions, if necessary. (615)

10. At all the three Ports casual labour is employed by the Port Authorities in varying magnitudes. The proportion of casual employment to the total employment is considerable. In order to create a proper healthy atmosphere amongst the shore and stevedore labour, who have to work side by side and on whose joint and co-ordinated efforts the rate of handling and the turn-round of vessels depend, the question of decasualisation of the shore casual labour should be taken up. The Government may review the situation and suggest to the Port Authorities that a suitable decasualisation scheme in respect of casual shore labour may be framed by them. (616)

11. The question of eliminating contractors' labour from work, which has come to be recognised as shore work to be done by the labour employed directly by the Port Authorities, should also be taken up when the framing of a Scheme for the decasualisation of shore labour, as recommended in para. 616, is taken in hand. (618)

12. The inability of the Dock Labour Boards to discharge their responsibilities has largely been due to the following reasons:—

- (a) The Scheme has certain loopholes and does not enable the Dock Labour Board to take adequate and effective steps to remove the causes of some failures complained of.
- (b) No one in the Dock Labour Board has been vested, under the Scheme, with adequate executive authority to enforce the decisions of the Board.
- (c) Certain functionaries under the Dock Labour Board, *viz.* the Administrative Officer, the Special Officer and the Inspectors, have failed to discharge efficiently the responsibilities that have been vested in them.
- (d) The time of the Dock Labour Board has mostly been taken up by matters mainly concerning wages, allowances and service conditions of workers; little attention would appear to have been given to other important matters. (704)

13. The Dock Labour Board should continue to be a tripartite body as at present. (707)

14. The Chairman of the Port Authority, *ex-officio*, should continue to be the Chairman of the Dock Labour Board and the Scheme should specifically provide for that. (708)

15. The Scheme should contain a provision which should authorise the Chairman, Dock Labour Board, to recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board; this provision, however, should not apply if the decision concerned ~~in~~ the basis of an industrial dispute under the law. (709-b).

16. The Chairmen of the Dock Labour Boards in all the Ports should be vested with powers like the Chairman, Dock Labour Board, Calcutta, for dealing with 'go slow' and 'emergency' under present clauses 36-A and 40-A of the Calcutta Scheme. (709-c) (925)

17. The Board should primarily devote its full attention to important matters of policy and the responsibility to implement decisions should rest on the Chairman who should be the Chief Executive of the Board. It is considered expedient that the powers and duties of the Chairman, Dock Labour Board, should be specifically defined in the Scheme and that the powers which can be exercised by the Board only should also be clearly stated. (710)

18. All matters of policy, and in particular the matters itemised in para. 711 of the Report, will be dealt with by the Dock Labour Board in meeting. (711)

19. The Chairman of the Dock Labour Board should have full powers to deal with all matters relating to the day-to-day administration of the Scheme with particular reference to the matters itemised in para. 712 of the Report. (712)

20. There should be a whole-time Deputy Chairman each at Calcutta and Bombay and an Executive Officer at Madras to assist the Chairmen. The status of the Deputy Chairman should be comparable with that of a Head of a Department under the Port Authority and he should be appointed by the Central Government. The Executive Officer should be of the status of the Assistant Traffic Manager, Madras Port Trust, and may be appointed by the Dock Labour Board. The Chairman may delegate, in writing, his duties excepting those specifically mentioned in paragraph 713 of the Report, to the Deputy Chairman or the Executive Officer, as the case may be. (713)

21. The Government representatives on the Dock Labour Board should be effective and give to the Board the benefit of their experience by taking an active part in its deliberations. (714)

22. The Port Traffic Managers at Calcutta and Madras and the Docks Manager at Bombay may also be nominated by the Government as *ex-officio* Members of the Board apart from the Chairman of the Port Authority. (714)

23. At Bombay and Calcutta, the Deputy Chairman will also be one of the Government representatives on the Board. (714)

24. It will be expedient if the Regional Labour Commissioner (Central) is not nominated on the Dock Labour Board; if at all it is necessary to nominate on the Government side someone concerned with the employment of labour, the Regional Director of Resettlement and Employment will be a suitable choice. (714)

25. The continuity of the presence of the same member, as far as possible, was very necessary when the original Schemes were implemented and it will be more so when the amended Schemes are brought into force. This may be pointed out to the organisations which are asked in future to nominate their representatives on the Board. (715)

26. The Administrative Bodies at Bombay and Madras have satisfactorily discharged the responsibilities and functions vested in them under the Schemes. The Administrative Bodies at Bombay and Madras should continue as at present. (716)

27. The Administrative Officer at Calcutta has not been able to discharge effectively and satisfactorily the responsibilities and functions entrusted to him under the Scheme. (717)

28. Should the stevedores at Calcutta be now able to make up their differences and come up to the Government with a proposal, agreed to by both the Associations, for the constitution of the Administrative Body, the request should be favourably considered. Failing that, an Administrative Superintendent of the status comparable with that of the Superintendent of Labour, Calcutta Port Commissioners, should be appointed by the Board. This Officer, though in immediate charge of the duties and responsibilities vested in the Administrative Body, should work under the direction and control of the Deputy Chairman and refer all important matters to him for decision. (717)

29. The institution of Special Officers should be abolished altogether and the responsibility to enforce discipline should be vested in the Chairman, the Deputy Chairman and the Executive Officer, as the case may be, and to a limited extent in the employers. The Chairman, the Deputy Chairman and the Executive Officer may be assisted by Personnel Officers appointed mainly for this purpose. The status of the Personnel Officers may be determined by each Dock Labour Board having regard to local conditions. (718)

30. At Bombay, notwithstanding the abolition of the post of the Special Officer, the Inspectors may continue at the discretion of the Bombay Dock Labour Board, but as there is a possibility of confusion with the Inspectors appointed under Clause 6 of the Act, the designations of the Inspectors should be changed by the Bombay Dock Labour Board to Dock Overseers. At Calcutta, the Inspectors have not at all been useful and should be withdrawn. It may be left to the Dock Labour Board to devise, if necessary, a suitable machinery to achieve the object for which these Inspectors were appointed. (719)

31. The Calcutta Dock Labour Board should have its own Secretary. (720)

32. At Bombay, the supply of registered workers has, more or less, throughout the working of the Scheme, been inadequate. This factor could not but have adverse effects on the efficiency of the dock work there. After the recent recruitment in May, 1955, of 70 additional gangs and other workers, the labour supply has improved. (802)

33. The registration at Calcutta had no relation to actual demands. The excess registration caused almost a financial crisis for the Dock Labour Board. (803) (804)

34. At Calcutta, the position at present is that there is definitely an excess in respect of Sirdars and Mates and a shortage in the category of Winchmen; the number of Rolias and Kāmalias on register may not entail the payment of guaranteed minimum wages to them in any large proportions even when the labour output is at a reasonable level and

the demands are normal, but there is a considerable scope for an increase in their average employment per month. It is not necessary, at present, for the Dock Labour Board to take any special steps other than offering voluntary retirement on existing terms to reduce the number of registered workers in these categories. (805)

35. The incomplete gangs at Calcutta should be immediately completed with workers now available on the Register. Should the resultant reduction in the number of gangs result in some Sirdars and Mates becoming surplus, they may be kept unattached and utilised for relieving duties. (806)

36. The Dock Labour Board, Madras, should review the Register and the position in regard to anticipated demands and take suitable steps early to avoid employment of casual labour. Should it be found necessary to make fresh recruitment, preference should be given to those workers who can prove to have worked in the Docks for long periods but failed to obtain registration after application because they had not worked during the prescribed qualifying period for registration. (808)

37. The Dock Labour Boards should make periodical assessments of their labour requirements and determine the anticipated demands based on long-term trade prospects affecting exports and imports as well as short-term fluctuations in trade and normal seasonal variations. The demands resulting from short-term and seasonal fluctuations should be separated from the long-term requirements and adjustments in the Register, whether implying increase or decrease, should be based on long-term variations only. (809)

38. In order to meet the demands resulting from short-term or seasonal fluctuations, the Dock Labour Boards should have the authority to permit temporary registrations. They should specify the number of workers and the period of their temporary registration, which should be communicated to the 'workers registered temporarily' who for brevity may be called WRTs. The WRTs should be entitled to attendance wages under the same conditions as permanent registered workers and their other service conditions may be prescribed by the Dock Labour Boards. They must comply with all the conditions of the Scheme and have the same obligations as permanent registered workers. (810).

39. All registrations of new categories in future should be very carefully planned and carried out so that the problems which resulted from the registrations already made do not come up again. The principles detailed in para. 811 of the Report should apply in respect of all categories which have not yet been registered but may be registered hereafter. (811)

40. Having regard to the local conditions, the Dock Labour Boards may prescribe maximum age limits for recruitment of fresh labour, whether permanent or temporary, and preference should generally be given to younger applicants. (812).

41. In case any fresh recruitment is necessary, whether on a temporary or a permanent basis, in any category already registered, the recruitment should be done from amongst workers registered with

the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the Register of the Employment Exchange on the day of the requisition, direct recruitment, after absorbing suitable men from the Employment Exchange Register, may be resorted to. (813)

42. Each individual registered worker should have a proper photo-identity card and an attendance and wage card. A proper 'service record' for each registered worker should also be maintained which should be a complete record of all disciplinary actions taken against him as well as of promotions and commendations for good work. (814).

43. It would be in the furtherance of greater regularity of employment and the efficient performance of dock work if the monthly registers are not only retained but progressively expanded. The rate of expansion of the monthly register can be considerably quickened if the employment of workers on a monthly basis is allowed not only by individual 'employers' but also by 'groups of employers'. The 'employers' or 'groups of employers' should be allowed to select workers for monthly employment. Necessary provisions should be made in the Schemes accordingly and the limitation placed by the Delhi Settlement of May, 1954, on the number of monthly gangs to be retained by Stevedores at Calcutta should be removed. (825)

44. Monthly workers should have a reasonable security of retention on the monthly register. No transfer of a monthly worker to the pool should take place without the prior approval of the Chairman or the Deputy Chairman and that the employer or the worker asking for such a transfer should submit an application in writing explaining fully the reason for the transfer. The request will be complied with only if the reason is good and valid. No transfer should take place in anticipation of the Chairman's or the Deputy Chairman's approval. (829)

45. The Calcutta Port Authority should be asked to take the responsibility of licensing Stevedores, as is the case at Bombay and Madras, and Clause 10(1) of the Calcutta Scheme may be amended to be in line with the corresponding clauses in the Bombay and Madras Schemes. The registration fee for employers in future should be uniform for all the three Ports and the fee at Madras should be raised from Rs. 400 to Rs. 500. (830)

46. At Bombay, the junior stevedore workers in the sub-pool maintained for relieving purposes may be called LRWs (Leave Reserve Workers). The practice of having such a sub-pool is considered sound. (831)

47. At Calcutta, the procedure of booking of stevedore workers should be overhauled with a view to reducing the period, for which a worker has to wait to prove attendance, to not more than an hour normally. (832)

48. The Calcutta Dock Labour Board also should have a sub-pool of LRWs (Leave Reserve Workers) from amongst the existing workers to fill casual vacancies in pool as well as monthly gangs. (832).

49. All the members of the gang should present cards individually for booking. The head of the gang should notify to the booking office, at the time of booking, the number of vacancies in his gang. The booking office will then fill these vacancies from amongst the LRWs on attendance. (833)

50. The Dock Labour Board, Madras, also should have a sub-pool of LRWs for filling casual vacancies. This will be particularly necessary if workers are formed in gangs. (834)

51. The transfer of a worker from the Reserve Pool Register to the Monthly Register will not be considered as a promotion and will not be subject to rules applicable to promotions. Such a transfer will be by selection by the employer or the group of employers who undertakes to employ him as a monthly worker. (836)

52. The Madras Dock Labour Board should pursue the question of forming regular gangs. The demands for half gangs, in addition to a full gang, which appear to be a frequent and unavoidable feature at Madras, may be met from amongst the sub-pool of LRWs. (837)

53. The designations of senior and junior stevedore workers at Bombay and Kamalias and Rolias at Calcutta should be abolished and all these workers may be classified as 'Stevedore workers' or 'Mazdoors'. In view of the fact that there has been a difference in the wages of some of these workers, the stevedore workers under the new designation may be put on incremental scales of pay which may be fixed having regard to the fact that some of them enjoyed the benefit of officiating on a higher wage in the same or the higher group. The present wages of any worker should not be adversely affected by this change. (838)

54. The three categories of Foremen Grade I, Foremen Grade II and Foremen Grade III, mentioned in Clause 11 of the Bombay Scheme, should also be abolished and in their place there should be one category named 'Foremen' and a suitable incremental scale of pay should be fixed for this category so that they do not incur any financial disadvantage due to the abolition of the three grades. (839)

55. The Sirdar of a gang in Calcutta has no well defined duties apart from taking booking for the gang. There is no need for having two Supervisors in a gang of 9 workers and the Dock Labour Board should re-allocate the duties between the Sirdar and the Mate of a gang in such a way that the Sirdar alone supervises the work of the gang and the Mate does the signalling work thus relieving a Rolia for normal cargo handling work. (840)

56. The designation of Hatch-Foreman at Bombay may be abolished and the present Hatch-Foremen should be merged in the existing gangs as stevedore workers, but they may continue to carry on the signalling work. This change in designation, however, should be made without affecting the wages of the existing workers in this category and also without reducing the number of men in the gang who handle cargo at present. When this change is carried out, the number of workers in a gang will be nine instead of eight. (841).

57. The extent and intensity of indiscipline, particularly at Bombay and Calcutta, are of an order that cannot but cause concern to those interested in port working as well as to the Government. Employer-employee relations at Calcutta have been particularly strained and those at Bombay have also not been happy. (914)

58. The Dock Labour Board should endeavour to settle disputes about which a request for arbitration has been made to the Central Government by the parties concerned and should report to the Government the results of its endeavours. The Government should give due weight to the views of the Board which is a tripartite body and to a decision which may have been taken by the Board unanimously or by a majority vote. (919)

59. The Committee is of the opinion that the words "the rules of the port or place where he is working" in sub-clause (5) of Clause 29 of the Scheme are necessary as the rules of the port or the place of working must, in all cases, be enforced. Suitable amendment of the Clause, however, is necessary so that authorised representatives and supervisors of the employers are deemed to have proper authority to give directions hereunder. If the workers consider that the direction of the employer in any particular matter is not in order, they should seek correction by a reference to the appropriate authority and not stop the work. The Dock Labour Boards should get the employers and employees' representatives together and persuade them to enter into joint agreements so that stoppages of work or lock-outs pending settlement of disputes, are not resorted to. (921)

60. It would be most expedient, without in any way infringing the rights of workers or sound disciplinary practice, if the Chairman of the Dock Labour Board is made the highest administrative authority in disciplinary matters and disciplinary powers are delegated to the Deputy Chairman, the Executive Officer, the Personnel Officer, and the Employers to the extent appropriate in each case. (922)

61. The object of giving certain disciplinary powers to the employers can be secured, to a large extent, if the Administrative Body which consists of employers only is vested with such powers. (923)

62. The Administrative Body should have a Labour Officer or Labour Officers appointed by that Body with the approval of the Dock Labour Board. It will be the duty and responsibility of the Administrative Body, on receipt of a complaint from an employer in regard to an act of indiscipline or misdemeanour committed by a reserve pool worker while he was allocated to that employer, to apply through the Labour Officer the disciplinary procedure and, if necessary, to impose a suitable penalty within its powers against the pool worker. If on enquiry the offence calls for a penalty beyond its powers, it will report the case to the Deputy Chairman at Calcutta and Bombay or the Executive Officer at Madras, for suitable action. Where there is no Administrative Body consisting of employers, the disciplinary procedure will be applied by the Personnel Officer on receipt of a complaint in writing from an employer. (924)

63. A Record Sheet should be maintained in respect of every employer and the warnings in writing given to him under Clause 36(1)(a) should be recorded in that sheet. If any employer is found guilty of an offence for which the penalty under Clause 36(1)(a) would be inadequate and that under Clause 36(1)(b) too heavy, the Chairman or the Deputy Chairman may record a censure in the Record Sheet advising the employer in writing that in the event of his being found guilty of a repetition of the offence for which he is being censured, the imposition of the next higher penalty, viz., "removal of his name from the employers' register" for a period to be determined by the Board will have to be considered. A provision for a censure in this manner may be made in the Scheme. Further, the Scheme should also provide for the permanent removal of the name of a registered employer from the employers' register in grave cases. (925)

64. Sub-clause 2(d) of Clause 36 should, as an alternative to 'termination of service', provide for "the removal of the name of the worker from the workers' register for a period not exceeding three months". (925)

65. The Schemes for Calcutta and Bombay contain a provision for suspension pending enquiry. This provision should be incorporated in the Scheme for Madras also. The payment of subsistence allowance to the worker under suspension pending enquiry, should not be limited to the 'attendance wages' only and it should be one-fourth of the total daily time-scale wage inclusive of dearness allowance, or the attendance allowance, whichever is more. The Chairman may have the discretion in exceptional cases to grant a higher subsistence allowance not exceeding half the total daily wage inclusive of dearness allowance for the suspension period in excess of over a month. Further, if the suspended worker is honourably acquitted he should be entitled to time-rate wages inclusive of dearness allowance that he would have earned had he not been under suspension. (925).

66. A provision may be made in the Scheme to the effect that penalties leviable for acts of indiscipline or misdemeanour should also apply to cases of inefficiency. (925).

67. The Scheme should specifically vest in the registered employers full disciplinary powers in respect of monthly workers and it should be entirely their responsibility to take disciplinary action against monthly workers employed under them without prejudice to the powers of the Chairman under Clauses 36-A and 40-A of the Scheme. (926).

68. The maximum penalties which can be imposed by different authorities should be as follows:—

(1) *Chairman.*

All disciplinary powers against registered employers and registered reserve pool workers and the special powers under Clauses 36-A and 40-A against all registered workers.

(2) *Deputy Chairman or Executive Officer.*

All disciplinary powers against registered employers and registered reserve pool workers excepting powers under Clauses 36-A and 40-A.

(3) *Personnel Officer.*

(i) Disciplinary powers against pool workers prescribed under sub-clauses 36(2)(a), (b) and (c), viz.—

- (a) to determine that, for such period as he thinks proper, the worker shall not be entitled to any payment under Clause 34;
- (b) to give him a warning in writing;
- (c) to suspend him without pay for a period not exceeding three days; and
- (d) to suspend a worker pending enquiry.

(ii) Powers against registered employers should be limited only to the warning in writing.

(4) *Administrative Body.*

Powers will be restricted to those permitted to the Personnel Officer under Clause 3(i) above. (927).

69. Powers to deal with cases of inefficiency will vest in the Chairman and the Deputy Chairman only. (928).

70. Appeals by workers against the decisions of the Administrative Body and the Personnel Officer shall lie to the Deputy Chairman at Bombay and Calcutta and to the Executive Officer at Madras. Appeals against the decision of the Deputy Chairman or the Executive Officer, whether in original or on appeal, shall lie with the Appeal Tribunal. The decision of the Appeal Tribunal shall be final and there shall be no further appeal against its decision. (930-a).

71. Appeals by registered employers against the decision of the Personnel Officer shall lie with the Deputy Chairman at Bombay and Calcutta, and the Executive Officer at Madras. Appeals against the decision of the Deputy Chairman or the Executive Officer, whether in original or on appeal, shall lie with the Chairman who shall forthwith refer the matter to the Central Government. The Central Government shall pass such orders on the appeal as it thinks fit. (930-b).

72. The present system of time-rate wages, even though linked with an incentive bonus in one Port, has been totally ineffective in securing reasonable productivity from workers. (1013).

73. In order to ensure reasonable output from workers and minimise the possibilities of the turn-round of ships in Indian Ports not being maintained at an acceptable level of efficiency in future, wages paid to workers employed in connection with loading and unloading of cargo must be linked with productivity and a system of 'payment by results' should replace the present system of time rate wages. It will also be desirable to provide for an 'Incentive Bonus' in the system. (1013).

74. (a) Norms for productivity in respect of cargoes of different kinds and/or Lines and/or Zones should be determined by a special Committee to be appointed by the Dock Labour Board consisting of representatives of employers, shipping companies, workers, the Port authorities and a nominee of the Central Government. These norms should be fixed after giving due consideration to all relevant factors and local conditions including past performances in normal periods free from disputes between workers and the employers. The norms should be reasonably less than the maximum working potential of the workers. If any recognised norms are already in existence they may be adopted. Should the Committee be not able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Dock Labour Board may determine such norms and submit them to the Central Government for their approval. The norms may be called the 'Standard Output'. To be entitled to the normal time rate wages, a gang of stevedore workers should produce the standard output during a standard shift. If the durations of the shifts vary, the standard output for different shifts may vary proportionately.

(b) Workers producing more than the standard output should be entitled to an 'Incentive Bonus' on a scale to be determined by the Dock Labour Board. In order that labour may not "sweat", the Dock Labour Board may prescribe the maximum tonnage beyond which no incentive bonus payment will be due.

(c) The Dock Labour Board may also allow a special "target bonus" to be paid at the end of each month to workers who consistently have produced the standard output but have not been able to earn incentive bonus.

(d) Workers who fail to produce a standard output in more than 50 per cent. of the shifts worked by them should be liable to disciplinary action for inefficiency.

(e) Each Dock Labour Board should devise a suitable scheme which, *inter alia*, should relate the quantum of wages earned to the actual output of workers when they do not produce the standard output subject to the conditions—

(i) that a worker will be entitled to the normal daily time rate wage only if he produces the standard output;

(ii) that the daily wage earned by a worker should in no case be less than a guaranteed minimum wage which shall be equivalent to three-fifth of his normal time rate wage.

(f) The Scheme for payment by results prepared in accordance with (e) above, should provide that a worker should be entitled to the normal time rate wage for any period or periods for which loading or unloading may be held up for reasons beyond the worker's control, such as, inclement weather or non-availability of cargo in case of export, or completion of work before the expiry of the full shift period.

(g) The Scheme should be submitted to the Central Government for approval before it is implemented. Should the Dock Labour Board fail to submit a Scheme to the Central Government within three months of the direction from the Central Government to do so,

the Government may prepare a Scheme and direct the Dock Labour Board concerned to implement that.

(h) All the foregoing provisions will apply to the monthly workers also for determining their wages on the days they work, and for the balance of the days for which they are entitled to payment, they will draw wages on a calculated daily time rate.

(i) If any direction, action or failure of an employer or his representatives is likely to result in the output being adversely affected, it will be the duty of the head of the stevedoring gang to bring that to the notice of the Foreman immediately. On receipt of such a report, the Foreman must immediately advise the official of the Dock Labour Board appointed to deal with such reports. The head of the gang may also report to this official after having reported to the Foreman. (1014).

75. A method to determine the wages of a worker when his production is less than the standard output as required under Para. 1014(e) together with two examples have been given in Para. 1015. (1015).

76. It is extremely desirable that shore workers employed for loading and unloading of cargoes must also be brought under a piece-rate system of wages where this is not so at present and that this must be done immediately in respect of the Cranemen in particular. (1016).

77. The Committee is unable to accept that the minimum wages which a dock worker must get, irrespective of any other consideration, should not be less than Rs. 100 p.m. Dock workers cannot be singled out to be entitled to any ideal minimum wages without any regard to other relevant and vital considerations. (1019).

78. Dock workers' earnings should be stabilised progressively at higher levels until a guarantee of 21 days in a month is reached. The progressive increase, however, should definitely be related to the quantum of total employment available in the docks and the wages which, on the basis of average employment, workers in the pool may expect. (1020).

79. The minimum number of days guaranteed for wages every month should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to procedure laid down in paras. 1020 and 1021. (1020) (1021).

80. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased. (1022).

81. While deciding the question of additional recruitment under any category for meeting additional demands of work, the Dock Labour Boards must always bear in mind the repercussions which such additional recruitment may have on the average employment of workers which, as already stated, should be progressively improved. (1023).

82. It is neither necessary nor desirable to increase the quantum of attendance wage which should remain at Re. 1 as at present. The Dock Labour Boards, particularly the Dock Labour Board, Calcutta, should take steps to improve the organisation in regard to booking so that a worker is normally required to attend the Call Stand only once a day and has not to wait for more than an hour to get his attendance marked. So long as a registered daily worker fulfils his obligations under Clause 29 there need be no ban on his seeking occasional employment elsewhere while he is not allocated for work to a registered employer. (1024).

83. The Calcutta and Madras Dock Labour Boards should also provide for payment of gratuity to registered workers as has already been done at Bombay. (1025).

84. The Madras Dock Labour Board should also have a Provident Fund Scheme as has already been done at Bombay and recently at Calcutta. (1026).

85. At each of the three Ports there should be three shifts round the clock with no interval between them; of these, two should be compulsory and the third optional for the employers subject to the approval of the Port Authorities. (1103).

86. Normally a worker should not be called upon to work even in two consecutive shifts. There should, however, be a mandatory ban on the employment of a worker in three consecutive shifts. (1104).

87. Pool workers should not be allowed to work more than 9 shifts in a week or 33 shifts in a month. Further, when pool workers who have not reached this maximum limit of employment are not available, monthly workers may also be employed upto 9 shifts in a week or 33 shifts in a month. Should these arrangements necessitate a monthly or a pool worker having to work in two consecutive shifts he should be treated as having worked in two separate normal shifts and not deemed as having performed overtime work. (1105).

88. The Chairman, Dock Labour Board, may, however, in emergent circumstances allow a general relaxation in the ceiling mentioned above but such a condition should not be allowed to continue for any length of time and steps must be taken immediately so that the employment is brought within the maximum permissible. If any permanent or temporary registration is necessary it should be so adjusted that the chances for employment of the existing workers during a month may not go below 26 shifts. (1106).

89. The Chairman, Dock Labour Board, in special circumstances may also authorise individual exceptions to the ceiling rule. (1107).

90. Normally overtime work should be permitted in respect of finishing ships only and it should not exceed two hours at a time. In exceptional circumstances, the Chairman, Dock Labour Board, may allow exceptions both in regard to the time and the reasons for working overtime. (1109).

91. Every worker should be given a weekly off on the seventh day if he has worked for six consecutive days and the off-day should

be staggered for daily as well as monthly workers so that the dock work goes on normally on all days including Sundays. The question of making the 'off day' a paid day should be examined by each Dock Labour Board after a reasonable period and if it is found then that the desired improvement in the output of labour has been achieved and sustained, it may be favourably considered by the Board. (1111).

92. While each Port may have certain closed holidays as may be decided by the Dock Labour Board, the number of 12 closed days at Bombay is excessive. The number of closed days in any Port should not be more than six in a year which may include the three national holidays, i.e. Independence Day, Republic Day and Gandhiji's Birthday. The Dock Labour Board, Bombay, should take steps to reduce the number of closed days to within this limit. (1115).

93. Out of the days recognised as holidays by the Dock Labour Boards, 8 days in a year may be treated as paid holidays for workers, i.e. workers enjoying these holidays should receive a normal day's wage for each day. The paid holidays should include all the closed days for the Port to be decided by the Dock Labour Board. The workers may choose any other recognised holidays to make up the total number of 8 paid holidays in a year, but it should be ensured that the Port does not remain closed for more than 6 days in a year. (1116).

94. Workers required to work on recognised holidays, which are not treated as paid holidays, should be paid according to the existing practice in each Port and the payment made for the paid holidays or for working on any of the recognised holidays should not count towards the guaranteed minimum wages under Clause 23 of the Scheme. (1117).

95. The administrative cost per hundred registered workers is the highest at Calcutta. The Dock Labour Board, Calcutta, may examine the position with a view to seeing what economies are possible. (1119).

96. The levy should not be fixed at a high percentage merely for building progressively a large reserve, but each Dock Labour Board should have a reasonable financial reserve to provide against any unfavourable position which may arise from a sudden or sharp slump in the business of the Port and consequent depression in the stevedoring industry. (1120).

97. The Calcutta and Madras Dock Labour Boards should also take some steps, as has been done at Bombay, so that losses on account of non-payment of wages and levy by defaulting employers are avoided. (1123).

98. There should be a separate fund for providing amenities and welfare measures for workers. This fund may be called 'Workers Welfare Fund' contribution to which should be made by all dock employers. This fund should be maintained and administered by the Dock Labour Board who should frame suitable rules for this purpose. To start with, a part of the levy at present available at each Port should be credited to this fund. (1124).

99. The Government should take suitable action so that the income, property and operations of the Boards are not subject to income tax. (1125).

100. The payment of 'Speed Money' by the Stevedores and its acceptance by the crane-drivers is, strictly speaking, illegal. (1129).

101. The payment of 'Speed Money' should hereafter be stopped, but a suitable increase in the present ordinary daily time rate wages of the cranemen may be made by the Port Authorities simultaneously with bringing them on a piece rate system of wages. (1130).

102. Payments in any form or manner which are not authorised by the Dock Labour Board or the Port Authorities are nothing less than illegal gratifications. These are immoral and must be stopped with a strong hand. There need, however, be no objection to entertainments of workers by employers on recognised festive or other occasions approved by the Dock Labour Boards as they foster better employer-employee relations and should, therefore, be encouraged. (1132).

103. The preamble of the Dock Workers (Regulation of Employment) Act, 1948, is not comprehensive enough inasmuch as it makes no reference to the "efficient performance of dock work". The preamble of the Act may be amended so as fully to cover the objects of the Scheme. (1134).

104. Irrespective of the feasibility, desirability or otherwise, of doing away with the institution of Stevedores, time is not yet opportune to contemplate such a major change in the system of dock working because the working under the present Schemes, has not yet completely settled down and it may take some time before it does and is extended fully to cover other dock workers whose nature of employment is still casual. It will not be desirable at this stage to face the Dock Labour Boards with such problems having far reaching repercussions. (1136).

105. In order that the Dock Labour Boards should be able to exercise proper vigilance and take timely action to maintain productivity of labour and turn-round of ships at satisfactory levels, they should collect necessary data and compile statistics for each month separately under imports and exports pertaining to productivity and turn-round as mentioned in para. 1137 of the Report. (1137).

106. The Dock Workers Advisory Committee has not yet functioned as regularly and effectively as was expected of it. In order to make the Advisory Committee really effective the Government representatives on the Committee should be of sufficiently high status and the Chairman of the Committee should be a high Government Officer; besides it should include amongst others the Chairmen of the Dock Labour Boards. Representation may also be given to Export and Import and Shipping interests. The Advisory Committee should meet as often as necessary, but not less than twice a year. (1139).

107. Whilst the establishment of a National Dock Labour Board here is not yet warranted, the need for the whole-time and effective superintendence from the Centre of the working of the Schemes at different Ports and the co-ordination of important measures under

the Schemes, so that all the Ports may benefit by the experience of one another, must be fully realised. Unless immediate steps are taken to provide a suitable organisation at the Centre, the required superintendence, direction and co-ordination cannot be secured. The need for a Central co-ordination will be, all the more, increased when the Port Authorities also take up the question of further decasualisation of the labour employed under them as recommended. The Government of India should depute a high level officer at the Centre to carry out these functions and such other duties in the furtherance of the Schemes as may be found necessary from time to time. This officer should also be the Chairman of the Advisory Committee referred to in para. 1139. (1138, 1140 and 1141).

108. The term "vessel" for the purpose of the Dock Workers (Regulation of Employment) Act of 1948 and the Schemes thereunder should apply to "all ocean going vessels of 350 gross registered tons and over". (1202).

109. The Scheme is only a means to an end which is to eliminate casualness of employment and to secure efficient performance of dock work, and there is no point in bringing under the Scheme workers who are already permanently employed on a monthly salary basis. (1203).

110. The present Schemes cover only the employment of dock workers who are employed by Stevedores. For others separate Schemes modelled on these Schemes will be necessary. (1204).

111. Foremen and Chargemen working in Bombay Port, who were in the permanent employment of Stevedores on the 30th June, 1955, should not be brought under the Scheme. Of the remainder, those who are hereafter offered permanent employment and are so employed should also not be brought under the Scheme. If all the existing Foremen and Chargemen are so absorbed, no registration should be necessary, but the designations 'Foremen' and 'Chargemen' may continue to remain in the Schedule. No recruitment in these categories, however, should be permitted so long as Stevedores meet their requirements by their permanent employees, irrespective of when they are so appointed. If, however, any Foremen or Chargemen from the existing force remain unemployed permanently, or any of the Foremen or Chargemen, employed permanently by Stevedores on or after 1st July, 1955, wish to come under the Dock Labour Board with their prior sanction, such Foremen or Chargemen may be registered by the Dock Labour Board. (1208).

112. The apprentice Hatch-Foremen or Gunners at Calcutta and apprentice Foremen at Bombay may be dealt with by the respective Dock Labour Board in the light of the following suggestions:—

(a) The Dock Labour Board should keep a panel of the names of bonafide apprentices who may have been trained, or are under training of any registered employer on or before the 1st of August, 1955.

(b) If any additions to the registers in the categories of Hatch-Foremen or Gunners at Calcutta and Foremen at Bombay are considered necessary, first preference for registration

should be given to the apprentices on the panel mentioned under (a) above.

- (c) Since the Registration Committee at Calcutta already has under scrutiny some applications for registrations as Hatch-Foremen or Gunners, applicants who had applied before 1st August, 1955, and are selected for registration should have preference over the apprentices on the panel. (1209).

113. Shipping Companies should be allowed to employ their permanent staff for tallying and sorting work on their ships. They, however, cannot employ casual workers. Should they require at any time the services of Clerks, other than their own permanent staff, they should ask the Stevedores working on their ships to provide them. (1212).

114. At Calcutta, the Stevedores should not be allowed to employ for tallying and sorting work any casual worker or any of their permanent staff appointed after 16th March, 1955. To meet their and the Shipping Companies' additional requirements they must employ clerks registered with the Dock Labour Board. (1213).

115. In order to meet additional requirements of Stevedores, the Dock Labour Board, Calcutta, should register 'clerks'. The number of clerks to be registered should be determined on the basis of estimated requirements and those clerks who have been working in that capacity in the docks prior to 1st January, 1955, will only be eligible for registration. If the number of eligible clerks are more than the number actually required, a selection should be made on the basis of length of service and age, younger men with similar length of service getting preference. (1214).

116. Clerks including Tally and Sorting Clerks should also be included in the Schedules of the Schemes for Bombay and Madras and registered under the Act, but the Shipping Companies should be free to utilise their permanent staff for this work. The Stevedores also should be allowed to employ their permanent staff for this work provided they were appointed on or before 30th June, 1955. (1216).

117. 'Derrick Fitters' and 'Riggers' should be included in the Schedule of Calcutta Scheme and registered by the Dock Labour Board, Calcutta. The employment of 'Derrick Fitters' and 'Riggers' will be through Stevedores from the Dock Labour Board Registers. No other agency will be permitted to employ 'Derrick Fitters' and 'Riggers'. (1217).

118. The Dock Workers (Regulation of Employment) Act, Clause 3, provides for the regulation of employment of dock workers "whether registered or not". The first step should be to prescribe simple Rules under the Act aiming at some 'Regulation of Employment' of all dock workers. These Rules may provide for the measures itemised in para. 1220. (1220).

119. Further Regulation of Employment of certain categories of dock workers to be decided by the Dock Labour Board from time to time should be secured by adopting a procedure of 'listing' the workers in those categories as well as the employers of those

workers. Rules may be framed under the Act to regulate the employment of Listed workers and they may provide for the measures itemised in para. 1221. (1221).

120. 'Listing' under the Rules mentioned in paragraph 1221 may be taken in hand at all the three Ports in respect of the following categories:—

- (a) Chipping and Painting Workers.
- (b) Stitchers and Baggers.
- (c) Salt Workers.
- (d) Coal Workers. (1222).

121. Listing in accordance with the procedure detailed in para. 1221 must hereafter always precede registration under the Act in the case of all new categories which are not included in the existing Schedules or have not already been recommended for registration by the Committee. The Dock Labour Board should obtain the sanction of the Central Government before a new category is included in the Schedule and registered under the Act. (1223).

122. Facilities should be provided by each Dock Labour Board for training existing registered workers in the duties of Winchmen, Signallers, Derrick Fitters or Khalasis, so that trained workers are readily available when permanent vacancies occur or temporary demands arise for these categories. (1303).

123. As an incentive to acquire proficiency in their day-to-day work for all categories of workers the Dock Labour Boards may periodically hold competitions amongst workers and award prizes. (1304).

124. It is the responsibility of the Port Authorities to provide necessary facilities for workers within the Dock area. They should, therefore, incur the capital expenditure in connection with their provision. In regard to the canteens provided and maintained by the Port Authorities, necessary financial arrangements in regard to their maintenance and running, if necessary, may be entered into between the Port Authorities and the Dock Labour Boards. (1306).

125. The Dock Labour Board should take the responsibility for providing the necessary facilities and amenities outside the Dock area. Amenities to be provided by the Dock Labour Board, should be planned in advance for a number of years and financial resources under the 'Workers Welfare Fund' should be accordingly secured. The Dock Labour Board may have a special Sub-Committee to work out a detailed programme and to see that it is implemented according to schedule, after it has been approved by the Board. The Sub-Committee may include, if necessary, representatives of listed employers and workers. (1307).

126. The provision of bathing, washing and sanitary facilities should be liberal and need not be limited to what is required under certain statutory obligations. (1308).

127. Canteens should be located at convenient places so that workers do not have to spend much time to go there from their place of work. They should be commodious and sufficient in number

so that all the dock workers can be comfortably catered for. They should provide wholesome refreshments and meals at cheap rates. (1309).

128. Drinking water should be available at convenient places on shore and near the call stands. Special arrangements should be made to supply drinking water to the Stevedore workers on ships; it would be desirable that the Dock Labour Boards should take the responsibility for these arrangements, which may be made in consultation with the Shipping Companies. (1310).

129. The call stands should be spacious, airy and well lit and should provide sufficient covering and adequate protection against rain and sun. There should be no obstruction of any kind in the circulating area inside the call stand, but benches, drinking water and refreshment arrangements may be provided along the sides. Steps should be taken to see that the call stands do not become places of shelter for outsiders, beggars, vagrants, etc. etc. (1311).

130. The purpose of providing lockers can be substantially served, if necessary, by making arrangements for the custody of the clothes or any other belongings of workers with an attendant in a covered and closed space specially provided for this purpose. Numbered tokens or other means may be used to facilitate identification of the deposited belongings and their owners at the time of their return. (1312).

131. The provision of adequate and suitable housing for workers is necessary; both from the workers' welfare and efficiency point of view, and the Government should consider favourably the requests of the Dock Labour Boards for financial assistance and grant suitable subsidies for housing to this Industry also. The repayment of the loans may be spread over 15 to 20 years, so that the present employers only do not have to bear the entire burden for a long term facility. (1314).

132. Well-equipped dispensaries with just a few beds for emergency cases would meet the requirements better than large hospitals. Each Dock Labour Board should provide one or more, as may be necessary, well-equipped dispensaries located near the Docks. They should be adequately staffed with doctors, nurses and other attendants and have a few beds for emergency cases. In addition, First-Aid equipment should also be provided at convenient and readily accessible places and the Dock Labour Boards in conjunction with the Port Authorities should arrange for holding First-Aid classes to train workers and supervisory staff in First-Aid. The names of those who pass the First-Aid test should be prominently exhibited so that they may be called upon for aid whenever necessary. (1316).

133. Every new worker selected for registration should undergo, free of charge, a medical examination for physical fitness before he is registered and employed. (1317).

134. The Dock Labour Boards should take steps to ensure that the employers as well as the workers conform to the requirements of the Dock Labourers Regulations, 1948, and that protective equipment suggested and approved by the Dock Safety Inspectors is provided and used. (1319).

135. The Dock Labour Boards should take steps to provide facilities for sports, games, cultural activities and other healthy entertainments which should make for close contacts between the employers and the employees. (1320).

136. At Calcutta, liquor shops should not be allowed within a prescribed distance from the Docks and the Central Government may request the Government of West Bengal to give this matter their attention and take suitable action in consultation with the Port Authorities. (1321).

137. The Act should be suitably amended so that Rules can be framed under this Act for the regulation of employment of dock workers who are not registered under any Scheme, or for any other purpose. (1402).

138. The Dock Labour Boards and the Government must ensure that failures to carry out the obligations under the Scheme are not allowed to occur with impunity but are immediately and effectively dealt with. Any individual or group found to be persistently responsible for breaches of the conditions of the Scheme and disrupting the working in the Port cannot but be regarded as deliberately working against the objectives of the Scheme and not interested in the welfare of the industry. (1405).

PART II

DRAFT AMENDED SCHEMES AND DRAFT RULES

THE SCHEME

THE BOMBAY DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1951 AS AMENDED UPTO1955.

1. *Name of the Scheme—*

The Scheme may be called the Bombay Dock Workers (Regulation of Employment) Scheme, 1951 and is hereinafter referred to as "the Scheme".

*2. *Objects and application—*

(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

*(2). The Scheme relates to the Port of Bombay and shall apply to the classes or descriptions of dock work and dock workers set out in the Schedule I, annexed to the Scheme:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in the Indian Naval Dockyard, Bombay.

*3. *Interpretations—*

In this Scheme, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);
- (b) "Administrative Body" means the Authority appointed under clause 5;
- (c) "Board" means the Board constituted under clause 4;
- (d) "cargo" includes anything carried or to be carried in a ship or other vessel;
- ** (e) "Chairman" means the Chairman of the Dock Labour Board;
- ** (f) "Deputy Chairman" means the Deputy Chairman of the Dock Labour Board;
- (g) "daily worker" means a registered dock worker who is not a monthly worker;

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- * (h) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers;
- (i) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (j) "dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port;
- (k) "employer's register" means the register of dock employers maintained under the Scheme;
- ** (l) "Labour Officer" means the officer appointed by the Administrative Body under clause 8-A;
- * (m) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of employers under a contract which requires for its termination at least one month's notice on either side;
- ** (n) "Personnel Officer" means the officer appointed by the Board under clause 6;
- (o) "register or record" means the register or record of dock workers maintained under the Scheme;
- (p) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (q) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- * (r) "reserve pool" means registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer as monthly workers;
- ** (s) "vessel" means an ocean going vessel whose gross registered tonnage is not less than 350 tons;
- (t) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

**4. Bombay Dock Labour Board—Establishment of—*

(1) The Central Government shall, by notification in the official Gazette, constitute a Board to be called the "Bombay Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to

* Means modification of the existing clause in the Scheme.

** Means a new clause.

acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

*(3) The Board shall consist of not less than 12 members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

* (4) The Chairman of the Port Authority shall *ex-officio* be the Chairman of the Board and there shall be a whole-time Deputy Chairman appointed by the Central Government. The Chairman and the Deputy Chairman will be included in the Members representing the Government.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may, subject to the approval of the Central Government, be determined by the Board, from time to time.

(7) (a) A member of the Board shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(b) A member appointed to fill a casual vacancy shall hold office for the un-expired portion of the term of the person in whose place he is appointed.

*(c) A member may resign by a letter under his hand addressed to the Chairman.

(d) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from, and of his return to, India and, if he intends to be absent from India for a period exceeding six months, he shall tender his resignation.

(e) A member shall be deemed to have vacated his office:—

- (i) if he proceeds out of India without complying with the provisions of the sub-clause (d);
- (ii) if he becomes insolvent;
- (iii) if he is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (iv) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman;

- (v) if, in the opinion of Central Government, a member who was appointed to represent dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be; or
- (vi) if, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member;
- ** (vii) if, representation of the organisation which he represents on the Board is withdrawn by the Central Government on the recommendation of the Chairman on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board, provided however the Central Government shall not withdraw such representation when the decision of the Board is the basis of an industrial dispute under the law.

(8) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of the Board.

(9) The quorum and procedure of the Board shall be such as the Board may from time to time determine.

(10) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting, and in case of equality of votes the Chairman shall have a second or a casting vote.

**5. Administrative Body—*

*(1) The Central Government may, by notification in the Official Gazette, appoint the Bombay Stevedores' Association Ltd., or any other authority for the purpose of carrying on the day-to-day administration of the Scheme and such Association or other authority, when so appointed, shall be known as the Administrative Body.

(2) The Administrative Body shall subject to the supervision and control of the Board and subject to the provisions of clause 9 carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove any authority appointed under sub-clause (1):

Provided that no such authority shall be removed unless it has been given a reasonable opportunity of being heard.

**6. Personnel Officer and other servants of the Board—*

The Board may appoint a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post carrying a salary of rupees five hundred per mensem or more, shall be created and no appointment to such

*Means modification of the existing clause in the Scheme.

**Means a new clause.

post shall be made by the Board except with the previous approval of the Central Government.

**7. Functions of the Board—*

(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2 including measures for:

- *(a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the Port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review in consultation with the Administrative Body the number of registered employers and registered dock workers from time to time on the registers or records and the increases or reductions to be made in the numbers in any such registers or records;
- (d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making satisfactory provision for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- h) levying and recovering from registered employers, contributions in respects of the expenses of the Scheme;
- (i) making satisfactory provision for health and safety measures in places where dock workers are employed in

*Means modification of the existing clause in the Scheme.

so far as such provision does not exist apart from the Scheme;

**** (j)** maintaining and administering the Workers Welfare Fund and recovering from all dock employers contribution towards the Fund in accordance with the rules;

**** (k)** maintaining and administering a Provident Fund for Reserve Pool Workers;

(l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

*** (2)** The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government an annual report on the working of the Scheme, an audited balance sheet and copies of proceedings of the meetings of the Board.

****7-A. Responsibilities and duties of the Board in meeting—**

The Board in meeting shall be responsible for dealing with all matters of policy and in particular shall:—

(a) (i) fix the number of workers to be registered under various categories;

(ii) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;

(b) sanction temporary registration of a specified number of workers in any category for a specified period;

(c) consider registration of new employers on the recommendation of the Chairman;

(d) prescribe forms, records, registers and statements etc., etc., required to be maintained under the Scheme;

(e) determine the wages, allowances and other conditions of service, and refix the guaranteed minimum wages in a month after annual reviews;

(f) fix the rate of levy for daily as well as monthly workers as

*Means modification of the existing clause in the Scheme.

**Means a new clause

- a percentage of the gross wages paid by registered employers;
- (g) fix the rate of contribution by dock employers to the Workers Welfare Fund;
 - (h) constitute sub-Committees for different purposes, as may be considered necessary and prescribe their functions and terms of reference and abolish or reconstitute them;
 - (i) sanction the Annual Budget;
 - (j) appoint the Personnel Officer;
 - (k) sanction creation of posts carrying a monthly salary of Rs. 300/- p.m. and over, and make appointments to such posts;
 - (l) make recommendations to the Central Government about changes in Schedule I;
 - (m) make recommendations to the Central Government about any modifications in the Scheme;
 - (n) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours; and
 - (o) discuss statistics of productivity of labour and turn-round of ships and record its observations and directions.

****7-B. Responsibilities and duties of Chairman—**

(1) Consistent with the extant decisions of the Board the Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme including the following matters namely:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' register are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registrations of specified number of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative Body;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (iii) to report to the Board if any provisions of the Scheme are violated by the Administrative Body;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) to constitute Medical Boards when required;

* * Means a new clause.

- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the productivity of labour and the turn-round of ships are compiled and placed before the Board every month with appropriate remarks and explanations;
- (j) to sanction the creation of posts carrying a salary below Rs. 300/- p.m. and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers as prescribed in the Scheme;
- (l) to allow exceptions to the maximum limit of overtime working normally permitted under the Scheme, and to report all such cases to the Board;
- (m) to allow relaxation in the maximum number of shifts permitted to be worked by a worker per week or per month, and to report such cases to the Board;
- (n) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (o) to declare 'a state of emergency' and to take action as authorised under the Scheme;
- (p) to recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board, provided, however, he shall not make such a recommendation if the decision of the Board is the basis of an industrial dispute under the law;
- (q) to sanction the transfer of a monthly worker to the Pool at the request of the employer or the worker, as provided for in the Scheme;
- (r) to deal with appeals from workers and employers against non-registration; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) above excepting those mentioned under items (j), (n), (o), (p), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

****7-C. Responsibilities and duties of the Deputy Chairman—**

The Deputy Chairman shall be a whole time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clauses 36 and 37;

- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) function as Chairman of every sub-Committee of the Board of which he shall be nominated a member;
- (d) preside over the meetings of the Board in the absence of the Chairman.

**8. Functions of the Administrative Body—*

Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) the keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from the register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
- * (e) the allocation of registered dock workers who are available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer,
 - (ii) make the fullest possible use of registered dock workers in the Reserve Pool,
 - (iii) keep the record of attendance, at call stands or control points, of registered dock workers,
 - (iv) provide for the maintenance of the records of employment and earnings,
 - * (v) subject to the allotment of work by rotation under clause 21 (3) allocate workers in accordance with clauses 14 and 22,

* Means modification of the existing clause in the Scheme.

- ** (vi) make necessary entries in Wage Cards of workers in the Reserve Pool as laid down in clause 19-A;
 - ** (f) ** (i) collection of levy, contribution to the Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
 - ** (ii) collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
 - (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
 - *(iv) the payment of the employers' and workers' contributions to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards;
 - *(v) the payment to the Board of the employers' and workers' contributions to the Provident Fund for Reserve Pool workers maintained by the Board;
 - * (g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:
- Provided that the creation of posts carrying a pay of Rs. 250 or over per month and appointment of persons to such posts shall be subject to sub-clauses 7-A(k) and 7-B(1) (j);
- (h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
 - (i) the framing of budget annually and for getting it approved by the Board;
 - ** (j) maintaining complete service records of all registered dock workers; and
 - *(k) such other functions as may from time to time be assigned to it by the Board, the Chairman and/or the Deputy Chairman.

**8-A. Labour Officer—

An Administrative Body consisting of employers of dock workers will appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer will under the supervision and control of the Administrative Body carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

* Means modification of the existing clause in the Scheme.

** Means a new clause.

****9. Functions of the Personnel Officer—**

The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out functions relating to disciplinary action against registered employers and daily workers under clause 36.

****9-A. Officers appointed by the Central Government for proper working of the Scheme—**

(1) Notwithstanding the provisions of clauses 5, 6, 8 and 9 of the Scheme, the Central Government may in its discretion appoint, from time to time, in consultation with the Chairman of the Board one or more officers and entrust to such officer or officers such functions as it may deem fit for the purpose of proper working of the Scheme.

(2) Such officer or officers shall be subject to the general supervision and control of the Board and shall hold office for such period and on such terms and conditions as the Central Government may consider necessary.

10. Maintenance of Registers, etc.—

(1) *Employers' Register.*—(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned every stevedore, who is licensed by the Bombay Port Trust at the time when the Scheme is put into operation and who has worked as a stevedore in the Port of Bombay at any time during the preceding two years shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) A registration fee of Rs. 500 shall be payable to the Board by every stevedore.

******(e) The stevedores registered under (b) and (c) above belonging to a group, duly recognised by the Board, shall on application be grouped together in the register and the group shall be treated as one employer for employment of monthly workers.

(2) Workers' Registers.**—(a)** The registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of stevedore workers shall be as under, namely:—

***(i) Monthly Register.**—Register of workers who are engaged by each stevedore or group of stevedores, on contract on monthly basis and who are known as monthly workers.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- * (ii) *Reserve Pool Register*.—Register of workers other than those on the monthly register. This register shall include a sub-pool of stevedore workers to fill casual vacancies in gangs.

*11. *Classification of workers in Registers*—

* (i) The Board shall arrange for the classification of workers by categories in the registers.

* (ii) Dock workers registered under the Scheme shall be classified in the following categories:—

- (a) Foreman†.
- (b) Chargeman.
- (c) Stevedore Tindal.
- (d) Winchman.
- (e) Stevedore worker or Mazdoor‡.
- (f) Khalasi.
- (g) Tally and Sorting clerk.

NOTE:—†This will cover former Foreman Grade I, Foreman Grade II, Foreman Grade III.

‡This will cover former stevedore worker—senior, stevedore worker—junior and Hatch-foreman.

*12. *Fixation of number of workers on the register*—

The Board shall in consultation with the Administrative Body.

- (i) determine, before the commencement of registration in any category, the number of workers required,

** (ii) review periodically the number of workers required in each category and make adjustments accordingly in the number of workers on the registers.

*13. *Registration of existing and new workers*—

(1) Any dock worker who, immediately before the coming into force of the Scheme, is in the employment of any employer to whom the Scheme applies, shall be eligible for registration.

** (2) Employees, specified in sub-clauses (i), (ii) and (iii) below shall not be registered under the Scheme but they shall be permitted to work without being registered:

- (i) Foremen and Chargemen working in Bombay Port who were in permanent employment of stevedores on a monthly salary basis on the 30th June, 1955, and those who are hereafter offered and accept permanent employment on a monthly salary basis as Foremen and Chargemen by the stevedores.
- (ii) Staff in permanent employment of Shipping Companies on a monthly salary basis when employed for tally and sorting work on their ships.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (iii) Clerks who were in permanent employment of stevedores on 30th June, 1955 on a monthly salary basis and employed for tally and sorting work.

******(3) The Masters of the Ships will be permitted to engage the crew of the ship for rigging and fitting of derricks. The Shipping Companies who have workshop establishments and who have been employing before the 1st August, 1955, their workshop staff for this purpose may also be permitted to continue to do so. In all other cases registered Khalasis only shall be employed for such work and on requisition made by registered stevedores.

******(4) The following principles shall apply in respect of registration of Foremen, Chargemen, Tally and Sorting Clerks and other categories which may be included in Schedule I hereafter:—

- (a) Before a worker is registered in any of the above categories, the Dock Labour Board shall under Clause 12 make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the *bona-fide* workers in that category who may then be working in the docks.
- (b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.
- (c) After the provisional registration has been completed, the booking in rotation shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.
- (d) A re-assessment of the requirement shall be made after three months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance money under clause 24 of the Scheme only shall commence from that time.
- (e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 23 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.
- (f) The minimum number of days in a month for which wages are guaranteed under clause 23 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered hereafter. Such minimum number of days may vary from category to category as determined under (e) above.
- (g) The wages of the workers in categories which may be registered hereafter shall also not be automatically fixed

******Means a new clause.

at the rates at which they may have been paid during their casual employment before registration.

**** (5)** The Board may permit from time to time registration of temporary workers for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance wages under clause 24 and shall have the same obligations as registered pool workers.

*** (6)** Any fresh recruitment whether on a temporary or permanent basis in any category already registered shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made. The qualifications for selection shall be age as may be prescribed by the Dock Labour Board having regard to the local conditions but not exceeding 40 years, physical fitness, capacity and/or experience. Indian nationals only shall be eligible for registration.

*** (7)** New workers to be selected for registration in any category already registered will be on probation for a period of 3 months before being placed on a permanent basis on the registers.

**** (8) Irregular registration—**

Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by supplying any false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, whether in violation of the provisions of sub-clause (1), or otherwise, the Board may direct the removal of his name from the register:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause against the same.

***14. Promotion and Transfer of Workers—**

*** (1)** A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

*** (2)** A vacancy, other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers or, if no person is suitable for promotion from lower categories of monthly workers, by a transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers, the criterion for selection being merit and fitness for work of which the employer or the group of employers selecting the workers will be the sole judge.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

Explanation.—The criteria for promotion shall ordinarily be the following, viz:—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made,
- (c) record of past service.

Note:—A transfer from Reserve Pool Register to the Monthly Register in the same category or *vice-versa* shall not be deemed a promotion.

**** (3)** The Chairman or the Deputy Chairman may only for sufficient and valid reasons allow the transfer of a monthly worker to the Pool at the request in writing of the employer or the worker explaining fully the reasons for the transfer. No transfer shall take place without the prior approval of the Chairman or the Deputy Chairman.

*** (4)** If the services of a monthly worker are transferred under sub-clause (3) to the Pool he shall be entitled to registration in the Reserve Pool in a similar category and his previous service shall be reckoned for all benefits in the Reserve Pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred unless the Board decides that for some special reasons the worker is unfit to be re-employed as a dock worker. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

***15. Medical Examination—**

**** (1)** A new worker before registration must undergo, free of charge, medical examination for physical fitness by a Medical Officer, nominated by the Chairman for this purpose.

*** (2)** If the Administrative Body deems it necessary, a worker shall undergo free of charge medical examination by a Medical Board to be constituted by the Chairman. The Chairman will have the authority to terminate the services of a worker found unfit by a Medical Board.

***16. Facilities for Training—**

The Board shall provide for training of suitable registered workers in the duties of winchmen, signallers and khalasis or any other training that it may deem necessary.

17. Registration Fee—

A registration fee of Rupees two shall be payable to the Board by each worker, provided however that the fee for workers registered at the commencement of the Scheme shall be rupee one.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

18. *Supply of Cards—*

(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely—

- (i) Identity Card.
- (ii) Attendance and Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

***18-A. "Service Records" for registered workers—*

"Service Records" for both monthly and Reserve Pool workers shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work etc. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

***18-B. "Record Sheets" for registered employers—*

The Personnel Officer shall maintain a "Record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

**19. Surrender of Cards—*

A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely—

- (a) when proceeding on leave;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended.

***19-A.* A Reserve Pool Worker shall hand over his Wage Card to the Administrative Body at the time he is allocated for work to a registered employer. The Administrative Body shall make necessary entries in the Wage Card in respect of the period of work done by the worker and return it to him before the conclusion of his engagement.

**20. Employment of Workers—*

**(1)* A monthly worker attached to a registered employer or a group of registered employers shall be entitled to be employed by that employer or the group of employers in preference to any worker in the Reserve Pool.

(2) For work which cannot be done by those on the Monthly Register, workers on the Reserve Pool Register shall be employed

**21. Employment in Shifts—*

(1) Workers will be employed in shifts.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

*(2) (a) Workers will not ordinarily be employed in two consecutive shifts and in no case shall a worker be employed in three consecutive shifts.

** (b) Pool workers shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

** (c) Normally monthly workers will not be employed for more than 6 shifts in a week or 26 shifts in a month, but when Pool workers, who have not reached the maximum limit of employment defined in (b) above are not available, monthly workers may be employed upto 9 shifts in a week or 33 shifts in a month.

** (d) In special circumstances, the Chairman may relax temporarily the restrictions under sub-clauses (b) and (c) to the extent absolutely necessary.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

**22. Filling up of Casual Vacancies—*

Casual vacancies in the Monthly and Reserve Pool gangs shall be filled up in the following manner:—

(a) When a Tindal is absent, the vacancy shall be filled by a Tindal on attendance allowance. If no Tindal is on attendance allowance, the seniormost stevedore worker in the same gang available for work will work as a Tindal.

(b) Vacancies of stevedore workers shall be filled by registered stevedore workers on attendance allowance. When all the stevedore workers on the Reserve Pool Register on attendance allowance have been employed, the vacancies shall be filled up by workers from the sub-pool of leave reserve workers.

(c) In filling up vacancies otherwise than by promotion in the same gang, the principle of rotation will be followed:

Provided that where work is carried on by a gang the allotment of workers by rotation shall be by gangs.

**23. Guaranteed Minimum Wages in a Month—*

*(1) A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be—

(i) at the full rate subject to the fulfilment of the conditions laid down in clause 34(2); or

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (ii) proportionate to the number of days on which the Pool worker attended for work or was excused from attendance.

******(2) Subject to the provisions of sub-clause (1), the minimum number of days for which minimum wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the Pool workers in the lowest categories of stevedore workers during the preceding year until the minimum number of days reaches 21, provided the number so fixed shall not, in any case, be less than the number in the preceding year.

Note.—The method of assessing the average employment is detailed in Schedule II.

******(3) The minimum number of days for which wages will be guaranteed under sub-clauses (1) and (2) above shall not automatically apply to workers in new categories that may be registered after 1st July, 1955. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 13(4)(e). The annual refixation of the minimum number of days as under (2) above will be done independently in their case also.

Explanation.—In sub-clauses (1), (2) and (3) of this clause a 'day' shall mean a 'shift'.

24. Attendance wages—

Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance wages at the rate of Rupee one per day for the days on which no work was found for him during a calendar month, provided that no attendance wages will be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 23 or otherwise or for which disappointment money is paid under clause 26.

25. Employment for a shift—

No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

26. Disappointment Money—

When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate

******Means a new clause.

to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance.

**27. Appeal Tribunal—*

(1) The Central Government shall appoint one or more Appeal Tribunals for the purposes of hearing appeals under the Scheme.

* (2) The Appeal Tribunal shall consist of not more than three persons, who shall not be members of the Board.

**28. Registration Committee—*

Deleted.

**29. Obligations of registered dock workers—*

(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift, as may be so specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

* (5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

**30. Obligations of registered employer—*

(1) Every registered employer shall accept the obligations of the Scheme.

* (2) Subject to the relaxation given in clause 13(2) a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8(e).

*Means modification of the existing clause in the Scheme.

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

*(4) A registered employer shall, unless directed otherwise by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.

** (ii) A registered employer shall make payments as contributions to the Workers Welfare Fund in accordance with the rules of the Fund.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

**31. Restriction on employment*

*(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage, subject to the relaxation given in clause 13(2), for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

*(a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted:

**Provided that whenever unregistered workers have to be employed, the Administrative Body will obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 30(4), (5) and (6) and clause 33, be treated in respect of that dock work as if he ~~were~~ a daily worker.

***(3)** A registered worker in the Reserve Pool may, provided he fulfils fully his obligations under Clause 29, take up occasional employment under employers other than those registered under the Scheme on the days he is not allocated for work by the Administrative Body.

32. Circumstances in which the Scheme ceases to apply—

(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

**33. Wages, allowances and other conditions of service—*

It shall be an implied condition of the contract between a registered dock worker (whether monthly or daily), and a registered employer that—

- (a) the rates of wages, allowances, overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers, provided that,—

***(i)** a worker will be entitled to the normal daily time rate wage only if he produces the standard output;

***(ii)** when the standard output is not produced, the daily wages earned by a worker shall be based on his actual output but in no case it shall be less than the guaranteed minimum wage which shall be equivalent to 3/5th of his normal time rate wage inclusive of dearness allowance;

***(iii)** all the foregoing provisions shall apply to the Monthly workers also for determining their wages on the days they work and for the balance of the days for which they are entitled to payment they shall draw wages on a calculated daily time rate.

- (b) The fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

****Explanation:—**Each Dock Labour Board shall appoint a Committee consisting of representatives of registered employers, Shipping companies, workers, the Port Authority

• *Means modification of the existing clause in the Scheme.

**Means a new clause.

and a nominee of the Central Government to determine the norms for productivity in respect of cargoes of different kinds and/or Lines and/or Zones. Should the Committee not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Dock Labour Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers.

****33-A. Scheme for Payment of Wages—**

(a) (i) Each Dock Labour Board should devise a Scheme which should relate the wages earned to the actual output of workers when they do not produce the standard output. The Scheme should be submitted to the Central Government for approval before implementation.

(ii) The Scheme shall provide that a worker should be entitled to normal time rate wage for any period or periods for which loading or unloading may be held up for reasons beyond the worker's control, such as, inclement weather or non-availability of cargo in case of export, or completion of work before the expiry of the full shift period etc.

(iii) Notwithstanding the provision of Clause 33(a)(ii), a worker who consistently fails to produce a standard output shall be liable to disciplinary action for inefficiency.

(iv) Should the Board fail to devise a suitable Scheme under sub-clause (i) above, the Central Government may direct the Board that the formula detailed in Schedule III or any other Scheme approved by Government shall be adopted.

(b) *Incentive bonus.*—Workers producing more than the standard output shall be entitled to an incentive bonus on such a scale as may be prescribed by the Board provided that the output above a ceiling, as may be fixed by the Board, shall be ignored for the purpose of calculating the bonus.

(c) *Target bonus.*—If during a calendar month any worker has not earned any incentive bonus but has consistently produced the standard output, he shall be entitled to such "target bonus" as may be prescribed by the Board.

****33-B. Overtime—**

(i) Overtime work shall ordinarily be restricted to a maximum of two hours and allowed only in respect of finishing ships, unless the Chairman acting in his discretion makes an exception in any particular case. The rate of payment for overtime work shall be prescribed by the Board.

(ii) Should a registered worker be employed in two consecutive shifts he shall be treated as having worked in two separate normal shifts and shall not be deemed as having performed overtime work.

****Means a new clause.**

****33-C. Holidays—**

Each worker shall be entitled to eight holidays with pay in a year which shall include all such days as are declared by the Board as closed days for the Port. Such closed days shall not exceed six in a year in the Port.

34. Pay in respect of unemployment or under-employment—

(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under Clauses 23, 24 and 26.

(2) The conditions subject to which a registered worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points or was excused from attendance; and

(b) his attendance or his excused attendance was recorded.

***35. Disentitlement to payment—**

*(1) A registered dock worker available for work who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 29(4)(a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Administrative Body.

*(2) A registered dock worker in the Reserve Pool available for work who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 29(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the Reserve Pool and, whether or not he is so returned may be reported in writing to the Administrative Body. When a registered dock worker is so returned to the Reserve Pool, his wage card shall be returned to the Administrative Body.

*(3) The Administrative Body shall consider any written report received under paragraph (1) or (2) and if, after investigating the matter, it notifies the registered dock worker that it is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 34 as the Administrative Body thinks fit in respect of the wage period in which such failure occurred or continues.

***36. Disciplinary Procedure—**

*(1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme and after investigating the matter, may give him a warning in writing, or

*(ii) where in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman, who may then cause further

*Means modification of the existing clause in the Scheme.

**Means a new clause.

investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

** (a) censure him and record the censure in his record sheet;

* (b) subject to the approval of the Board and after one month's notice in writing given to the Registered employer inform the Administrative Body that the name of the employer shall be removed for such period as determined by the Board or permanently in case of a grave offence.

* (2) * (I) A registered dock worker in the Reserve Pool, who is available for work and fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Administrative Body which may after investigating the matter take any of the following steps as regards that worker, that is to say, it may:—

(a) determine that, for such period as it thinks proper, that worker shall not be entitled to any payment under clause 34;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three days.

** (II) * (a) Where in a case reported to the Administrative Body under sub-clause (2) (I) it is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Administrative Body may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final order, remain suspended or not;

* (b) (i) Where a worker has been suspended by an order under sub-clause (II) (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance wage provided in clause 24 or one fourth of his daily wage including dearness allowance, whichever is more; for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(ii) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(iii) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body may certify, the worker would have received had he not been suspended, provided further that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

** (III) Where, in the opinion of the Administrative Body, a higher punishment than that provided in sub-clauses (2) (I) and (II) is merited, it shall report the case to the Deputy Chairman.

* Means modification of the existing clause in the Scheme.

** Means a new clause.

**** (IV)** On receipt of the written report from the Administrative Body as in sub-clause (2) (III) or from the employers or any other person that a registered dock worker in Reserve Pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or have made through the Personnel Officer such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) suspend him for a period not exceeding three months or terminate his services after giving 14 days' notice;
- (e) dismiss him.

(3) Before any action is taken under sub-clause (1) or (2) the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(4) The Administrative Body shall be informed simultaneously about the action taken under sub-clauses (1) and (2).

**** (5)** The disciplinary functions and powers vested in the Administrative Body under Clauses 35 and 36 will be assigned by that Body to its Labour Officer who will in such matters act on its behalf.

****36-A. Special Disciplinary powers of the Chairman of the Board—**

(1) Notwithstanding anything contained in this Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and
- (ii) in the case of Reserve Pool workers, to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance wages for the wage period or periods in which the "go-slow" has been resorted to.

(3) The Chairman may take disciplinary action—

- (i) where the “go-slow” is resorted to by a gang against all the members of the gang; and
- (ii) where the “go-slow” is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang or workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman of the Board that a “go-slow” has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

****36-B.** The power to take disciplinary action against monthly workers shall vest in the employers and it shall be entirely their responsibility to take disciplinary action against monthly workers employed under them without prejudice to the powers of the Chairman under clauses 36-A and 40-A of the Scheme.

***37. Termination of Employment—**

(1) The employment of a registered dock worker in the Reserve Pool who is available for work shall not be terminated except—

- * (a) by dismissal in the case of misconduct or inefficiency; or
- * (b) by giving him fourteen days’ notice in writing for any justifiable cause including inefficiency and irregular registration; or

**** (c)** for unfitness on medical grounds.

* (2) A registered dock worker in the Reserve Pool who is available for work shall not leave his employment with the Board except by giving fourteen days’ notice in writing to the Board.

* (3) Where the employment of a registered dock worker by the Board, has been terminated under paragraph (1) (a), (b) or (c) or under paragraph (2) by a notice given by him, his name shall forthwith be removed from the register or record by the Administrative Body.

***38. Appeals by registered workers—Appeal Tribunal—**

**** (1)** Appeals from the orders of the Administrative Body and the Personnel Officer shall in all cases of disciplinary action lie to the Deputy Chairman.

* (2) If a registered dock worker who is available for work is aggrieved by any order, original or on an appeal of the Chairman or Deputy Chairman under which he—

- (a) is not entitled to any payment under clause 34 by reason of any of the grounds specified in clause 35 or 36; or
- (b) is suspended from the Scheme; or

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (c) is not properly grouped or regrouped in the register or record; or
- (d) is to be removed from the register or record under paragraphs (1)(a) and (3) of clause 37; or
- (e) is to be given a notice of termination of his employment in accordance with paragraph (1)(b) of clause 37;

he may within fourteen clear days of the date of the order or, as the case may be, of the date of the receipt of the notice terminating his employment, prefer an appeal in writing to the Appeal Tribunal:

Provided that the Appeal Tribunal may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days:

Provided further that no such appeal shall lie where due notice has been given of the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided further, that an appeal shall lie where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the preceding proviso.

(3) The Appeal Tribunal shall, as soon as practicable, hear and decide the appeal, and if the appeal is allowed, it shall have power to order that the appellant shall be entitled to receive any payment or any part thereof which may be held to be due to him under clause 34 or that he shall be grouped in accordance with the decision of the Tribunal from such date as it may fix or that his name shall be restored in the register or record as from such date as it may fix. The Appeal Tribunal shall also have the power to vary, modify or alter the penalty imposed but it shall not have power to increase any penalty imposed or to impose a more severe penalty.

(4) An appellant shall not be entitled to be represented by a legal practitioner before the Appeal Tribunal, but he shall be entitled to be represented by a representative of the registered Trade Union of which he is a member or by a registered dock worker.

(5) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal and shall be final and conclusive. Such decision shall be forthwith given effect to by the Board and the Administrative Body.

****38-A. Appeals by registered employers—**

Appeals by registered employers against the decision of the Personnel Officer under clause 36(1)(i) shall lie with the Deputy Chairman, and an appeal against the decision of the Deputy Chairman in such a case shall lie with the Chairman.

***39. Appeal to Chairman—**

*(1) A registered employer who is aggrieved by the decision of the Deputy Chairman on an appeal preferred to him by the registered employer under clause 38-A; or by an order of the Deputy Chairman,

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (a) recording a censure against him under clause 36(1)(ii)(a),
or
- (b) directing a notice to be given under clause 36(1)(ii)(b) that
his name will be removed from the employers' register,
whether for a limited period or permanently,

may within 14 clear days of the date of the order or as the case may be, the date of the receipt of the notice of removal from the employers' register, prefer an appeal to the Chairman who shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

*(2) A stevedore or a worker who has been refused registration under clause 10(1)(b), clause 10(1)(c) or clause 13, as the case may be, shall have a right of appeal to the Chairman within fourteen days of the date of such refusal and if the original refusal is by the Chairman the appeal shall lie to the Central Government in the case of a stevedore and to the Appeal Tribunal in the case of a worker.

*(3) A registered dock worker in the Reserve Pool who is aggrieved by an order of the Administrative Body, made under clause 29(4)(b), requiring him to undertake any work, which is not of the same category to which he belongs, may prefer an appeal to the Chairman within fourteen days of the date of such order.

40. *Suspension of notice in case of certain appeals—*

Where an appeal is lodged in accordance with the provisions of clause 38, the Appeal Tribunal may suspend the operation of the order appealed from (except where the order is of dismissal or of disentitlement under clause 35) pending the hearing and disposal of the appeal.

**40-A. *Special provisions for action in an emergency—*

(1) If at any time the Chairman of the Board is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

- (i) if any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation take any of the following steps as regards that employer, that is to say, he may—

- (a) give the registered employer a warning in writing, or
- (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

- (ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending enquiry, hold a

*Means modification of the existing clause in the Scheme.

**Means a new clause.

summary enquiry into the allegation and take any of the following steps against that worker, that is to say, he may—

- (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) give him fourteen days' notice of termination; or
- (e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under paragraph (i) or (ii) of sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2)

**41. Cost of operating the Scheme—*

(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer, shall pay to the Board—

- (a) such amount, whether by way of percentage on the gross wages payable by him under clause 30(5) or as otherwise agreed, together with and at the same time as the payment of those wages; and
- (b) at the same time as the payment under sub-paragraph (a), such amount whether by way of percentage on the gross wages shown as due to monthly workers in the return made under clause 30(4) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this clause, the Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent. of gross wages without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in clause 30(5) and the percentage payments set out in paragraph (1) (a) and (b) of this clause, as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

*Means modification of the existing clause in the Scheme.

**** (6)** If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Board, the Administrative Body shall give a notice of suspension of the supply of registered dock workers if the employer fails to pay his dues within seven days from the date of receipt of the notice. If payment of the dues is not made within this period, the Administrative Body shall report the matter to the Chairman, who may order suspension of supply of registered workers to the registered employer until such payment is made or for a specified longer period.

****41-A. *Provident Fund and Gratuity—***

(i) There shall be a Contributory Provident Fund Scheme for registered workers, rules for which shall be framed by the Board. The Board shall maintain and administer the Provident Fund in respect of Reserve Pool workers. The employers' as well as workers' contributions to the Reserve Pool Workers' Provident Fund shall be collected by the Administrative Body and made over by the Administrative Body to the Board. The registered employers shall be responsible for carrying out the Provident Fund Rules in respect of monthly workers.

(ii) The Board shall frame rules for payment of Gratuity to registered workers.

****41-B. *Workers Welfare Fund—***

Cost of amenities, welfare and health measures and recreation facilities shall be met from a separate fund called Workers Welfare Fund which shall be maintained by the Dock Labour Board. Contributions to this Fund shall be made by all dock employers working in the Port on a basis to be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of the Fund.

42. *Penalties—*

A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

****Means a new clause.**

*SCHEDULE I

Classes or descriptions of dock work and dock workers to which the Scheme applies:—

- *(1) Stevedoring work other than coal and salt work.
- *(2) The following categories of stevedore workers:—
 - (a) Foreman.
 - (b) Chargeman.
 - (c) Stevedore Tindal.
 - (d) Winchman.
 - *(e) Stevedore worker or Mazdoor.
 - (f) Khalasi.
 - ** (g) Tally and Sorting Clerk.

**SCHEDULE II

The minimum number of days guaranteed for wages every month should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:—

- (a) Suppose an assessment is being made in the month of October, 1955, the average total number of pool workers in the lowest categories (namely, Senior and Junior Stevedore Workers) during the 12 months ending 30th September, 1955, should be ascertained. This will include workers on leave or absent but whose names are still borne on the Reserve Pool Register.
- (b) The total wages earned including leave allowances but excluding payments made on account of minimum guarantee, attendance allowance, incentive bonus, overtime or any other allowance paid to those workers in the 12 months ending 30th September, 1955, should be calculated.
- (c) The total wages under (b) should be divided by the total number of such workers on the register as under (a) to arrive at the annual average wages earned by a pool worker on the register in these categories.
- (d) The figure arrived at under (c) divided by 12 will give the average monthly earnings of a pool worker in these categories.
- (e) The average of daily wages in respect of the various workers in these categories should be worked out.
- (f) The average monthly wages as in (d) divided by the average daily wage as in (e) will give the average number of days in a month worked by a pool worker in these categories on the register.

*Means modification in the existing schedule or classification of workers.

**Means a new schedule or new category of workers.

The number arrived at in (f) above may be fixed as the minimum number of days for which wages may be guaranteed for the next 12 months ending 30th September, 1956. For clarification, an example is given below:—

At Bombay Senior and Junior Stevedore workers are the lowest categories of workers.

3 Senior Stevedore workers get=Rs. 4- 4-0 × 3=Rs. 12-12-0

4 Junior Stevedore workers get= Rs.3-14-0 × 4=Rs. 15-8-0

=Rs. 28-4-0

Average daily wage per worker=Rs. $\frac{28-4-0}{7}$
 =Rs. $\frac{113}{28}$

Suppose :

The average total number of Senior and Junior Stevedore workers between 1st October, 1954 to 30th Sept., 1955 =2,000

The total wages earned including leave allowance but excluding minimum guarantee, attendance allowance, incentive bonus, overtime or any other allowance during 12 months ending 30th September, 1955 =Rs. 19,40,000.

Total average wage earned by each worker in these categories on register during the 12 months ending 30th September, 1955 =Rs. $\frac{19,40,000}{2,000}$

Average wage per month per worker =Rs. $\frac{19,40,000}{2000 \times 12}$

Average daily wage per worker as given above . . . = Rs. $\frac{113}{28}$

The average number of shifts worked per worker in these categories per month = $\frac{19,40,000}{2000 \times 12} \times \frac{28}{113}$
 =20.1

After rounding of to the nearest day =20 days

The minimum number of days in a month for the next twelve months for which wages will be guaranteed will then be 20.

Although this average has been calculated for the lowest categories of workers only, it will apply to all the categories of stevedore labour, namely, Tindal, Winchman, Khalasi, etc. If a new category is registered, the minimum guarantee for this category, to start with, will be determined as has been provided in the principles relating to the registration of new categories mentioned in clause 13(4) of the Scheme.

Similar calculation should be made in October, 1956, and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

**SCHEDULE III

The formula and the method to determine the wages of a worker when his production is less than the standard output:

Suppose:

- (1) The number of workers in a gang including a winchman, if any, entitled to wages under piece rate is = n
 - (2) The daily wages including dearness allowance of the lowest paid worker in the gang = w
 - (3) The difference in the daily inclusive wages of other workers in the gang and the lowest paid worker may be expressed as d_1, d_2, d_3 , etc.,
 - (4) The standard output per shift = S Tons
 - (5) Actual output in the particular shift = P Tons
 - (6) The basic piece rate per ton for the gang will be
$$= \frac{w \times n}{S}$$
 - (7) The basic piece rate per worker per ton will be
$$= \frac{w \times n}{S \times n} = \frac{w^*}{S}$$
 - (8) Daily wages payable to the lowest paid worker on the basis of actual production will be
$$= \frac{W}{S} \times P$$

$$= \frac{WP^\dagger}{S} = \text{say } R$$
- $\left\{ \begin{array}{l} * \text{ To be rounded off to the nearest pie.} \\ \dagger \text{ To be rounded off to the nearest anna.} \end{array} \right\}$
- (9) The wages payable to the lowest paid worker calculated as in (8) will be subject to a guaranteed minimum wage equal to 3/5th of the daily time rate wage.
 - (10) Wages payable to other workers in the gang will be = $R + d_1, R + d_2$ and so on.

To clarify the operation of this formula, two examples are given below:

Example I

Suppose the standard output of a particular type of cargo is 45 tons and a gang consisting of 1 Tindal, 3 Senior Stevedore workers and 4 Junior Stevedore workers with 1 winchman handles 40 tons in a particular shift. The time rate wages inclusive of Dearness Allowance and their difference with the wage of the lowest paid worker are as given below:---

**Means a new clause.

Existing time rate wages at Bombay are:—

Category	Time rate daily wage	Difference with Junior Stevedore worker
1	2 Rs. a. p.	3 Rs. a. p.
Tindal	5 4 0	+1 6 0
Senior Stevedore worker	4 4 0	+0 6 0
Junior Stevedore worker	3 14 0	
Winchman	4 4 0	+0 6 0

$n = 9$

$w = \text{Rs. } 3-14-0.$

d_1, d_2 etc. will be as shown in column (3) above.

$S = 45$ tons.

$P = 40$ tons.

$$\begin{aligned} \text{The basic piece rate per ton for the gang} &= \frac{w \times n}{S} \\ &= \frac{\text{Rs. } 3-14-0 \times 9}{45} \\ &= \frac{558}{45} \text{ annas,} \end{aligned}$$

The basic piece rate per ton for a worker in the lowest category i.e. Junior Stevedore worker

$$\begin{aligned} &= \frac{W \times n}{S \times n} = \frac{W}{S} \\ &= \text{Rs. } \frac{3-14-0}{45} = \frac{62}{45} \text{ annas} \\ &= \frac{744}{45} \text{ pies} = 16.5 \text{ pies} \end{aligned}$$

Rounded off to the nearest pie = 17 pies.

Daily wage payable to a Junior Stevedore worker will be

$$\begin{aligned} &= \frac{W}{S} \times P \\ &= 17 \times 40 \text{ pies.} \\ &= 680 \text{ pies} = \text{Rs. } 3-8-8 \end{aligned}$$

Rounded off to the nearest anna.

Wages of a Tindal will be

$$= \text{Rs. } 3-9-0$$

Wages of a Senior Stevedore worker will be

$$= \text{Rs. } 3-9-0 + \text{Rs. } 1-6-0 = \text{Rs. } 4-15-0.$$

Wages of a Winchman will be

$$= \text{Rs. } 3-9-0 + 0-6-0 = \text{Rs. } 3-15-0.$$

Example 2

Suppose the same gang handles only 25 tons of the same cargo during a particular shift. The basic rate per worker per ton will be the same as in the previous example, namely 17 pies per ton.

Wages payable to the lowest paid worker on the basis of actual production of 25 tons will be

$$\begin{aligned} &= 17 \times 25 \text{ pies} = 425 \text{ pies} \\ &= \text{Rs. } 2-3-5 \\ &= \text{Rs. } 2-3-0. \end{aligned}$$

Rounded off to the nearest anna

The guaranteed minimum wage i.e. $\frac{3}{5}$ th of the Junior Stevedore workers' daily wage

$$\begin{aligned} &= \frac{3}{5} \times \text{Rs. } 3-14-0. \\ &= \text{Rs. } 2-5-2 \end{aligned}$$

Rounded off to the nearest anna = Rs. 2-5-0

Since the wages actually earned are less than the guaranteed minimum wage, the wages payable to the Junior Stevedore worker will be the guaranteed minimum wage namely Rs. 2/5/-. The wages payable to others will be Rs. 2/5/- plus their differentials *i.e.*:—

A Tindal will get	=Rs. 2-5-0+Rs. 1-6-0=Rs. 3-11-0.
A Senior Stevedore worker will get	=Rs. 2-5-0+Re. 0-6-0=Rs. 2-11-0.
A Winchman will get	=Rs. 2-5-0+Re. 0-6-0=Rs. 2-11-0.

It follows that for shifts when a gang does 3/5th or less than 3/5th of the standard output, different workers will be entitled to wages which will be equal to the guaranteed minimum wage for the Junior Stevedore Worker plus their respective differentials.

THE SCHEME

THE CALCUTTA DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1951 AS AMENDED UPTO.....1955

1. *Name of the Scheme—*

The Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951 and is hereinafter referred to as "the Scheme"

*2. *Objects and application—*

(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

*(2) The Scheme relates to the Port of Calcutta and shall apply to the classes or descriptions of dock work and dock workers set out in the Schedule I, annexed to the Scheme:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

*3. *Interpretations—*

In this Scheme, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);

*(b) "Administrative Body" means the Authority appointed under clause 5;

*(c) "Board" means the Board constituted under clause 4;

(d) "cargo" includes anything carried or to be carried in a ship or other vessel;

** (e) "Chairman" means the Chairman of the Dock Labour Board;

** (f) "Deputy Chairman" means the Deputy Chairman of the Dock Labour Board;

(g) "daily worker" means a registered dock worker who is not a monthly worker;

*Means modification of the existing clause in the Scheme.

**Means a new clause.

- (h) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers;
- (i) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (j) "dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port;
- (k) "employer's register" means the register of dock employers maintained under the Scheme;
- ** (l) "Labour Officer" means the officer appointed by the Administrative Body under clause 8-A;
- * (m) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of employers under a contract which requires for its termination at least one month's notice on either side;
- ** (n) "Personnel Officer" means the officer appointed by the Board under clause 6;
- (o) "register or record" means the register or record of dock workers maintained under the Scheme;
- (p) "registered dock worker" means a dock worker whose name is, for the time being, entered in the register or record;
- (q) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- * (r) "reserve pool" means registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer as monthly workers;
- ** (s) "vessel" means an ocean going vessel whose gross registered tonnage is not less than 350 tons;
- (t) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

**4. Calcutta Dock Labour Board—Establishment of—*

(1) The Central Government shall, by notification in the official Gazette, constitute a Board to be called the "Calcutta Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

*(3) The Board shall consist of not less than 12 members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

*(4) The Chairman of the Port Authority shall *ex-officio* be the Chairman of the Board and there shall be a whole-time Deputy Chairman appointed by the Central Government. The Chairman and the Deputy Chairman will be included in the members representing the Government.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may, subject to the approval of the Central Government, be determined by the Board, from time to time.

*(7) (a) A member of the Board shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(b) A member appointed to fill a casual vacancy shall hold office for the un-expired portion of the term of the person in whose place he is appointed.

*(c) A member may resign by a letter under his hand addressed to the Chairman.

(d) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from, and of his return to, India and, if he intends to be absent from India for a period exceeding six months, he shall tender his resignation.

(e) A member shall be deemed to have vacated his office:—

- (i) if he proceeds out of India without complying with the provisions of the sub-clause (d);
- (ii) if he becomes insolvent;
- (iii) if he is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

*Means modification of the existing clause in the Scheme.

* (iv) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman;

(v) if, in the opinion of Central Government, a member who was appointed to represent dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be; or

* (vi) if, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member;

** (vii) if, representation of the organisation which he represents on the Board is withdrawn by the Central Government on the recommendation of the Chairman on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board, provided, however, the Central Government shall not withdraw such representation when the decision of the Board is the basis of an industrial dispute under the law.

(8) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of the Board.

(9) The quorum and procedure of the Board shall be such as the Board may from time to time determine.

*(10) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting, and in case of equality of votes the Chairman shall have a second or a casting vote.

**5. Administrative Body—*

*(1) The Central Government may, by notification in the Official Gazette, constitute a body consisting of such employers of dock workers as the Central Government may nominate in this behalf or appoint any other authority or any person for the purpose of carrying on the day-to-day administration of the Scheme and such body or other authority, when so appointed shall be known as the Administrative Body.

(2) The Administrative Body shall, subject to the supervision and control of the Board and subject to the provisions of clause 9, carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove any authority appointed under sub-clause (1):

Provided that no such authority shall be removed unless it has been given a reasonable opportunity of being heard.

**(4) (a) If a Body consisting of employers of dock workers is not appointed as the Administrative Body, the Deputy Chairman shall be the authority under sub-clause (1) above. In the discharge of his functions as the Administrative Body under Clause 8 of the

*Means modification of the existing clause in the Scheme.

**Means a new clause.

Scheme, the Deputy Chairman will be assisted by an Administrative Superintendent.

******(b) The Deputy Chairman may delegate in writing to the Administrative Superintendent any of the functions under Clause 8 of the Scheme with the approval of the Board.

***6. Administrative Superintendent, Personnel Officer and other Servants of the Board—**

The Board may appoint an Administrative Superintendent and a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post carrying a salary of rupees five hundred per mensem or more, shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

***7. Functions of the Board—**

(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2 including measures for:

- *(a)** ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the Port;
- (b)** regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c)** determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increases or reductions to be made in the numbers in any such registers or records;
- (d)** keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (e)** keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker

***Means** modification of the existing clause in the Scheme.

****Means** a new clause.

either at his own request or in accordance with the provisions of the Scheme;

- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making satisfactory provision for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (i) making satisfactory provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- ** (j) maintaining and administering the Workers Welfare Fund and recovering from all dock employers contribution towards the Fund in accordance with the rules;
- ** (k) maintaining and administering a Provident Fund for Reserve Pool Workers;
- (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

*(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

*(4) The Board shall submit to the Central Government an annual report on the working of the Scheme, an audited balance sheet and copies of proceedings of the meetings of the Board.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

****7-A. Responsibilities and duties of the Board in meeting—**

The Board in meeting shall be responsible for dealing with all matters of policy and in particular shall:—

- (a) (i) fix the number of workers to be registered under various categories;
- (ii) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
- (b) sanction temporary registration of a specified number of workers in any category for a specified period;
- (c) consider registration of new employers on the recommendation of the Chairman;
- (d) prescribe forms, records, registers and statements, etc., etc., required to be maintained under the Scheme;
- (e) determine the wages, allowances and other conditions of service, and refix the guaranteed minimum wages in a month after annual reviews;
- (f) fix the rate of levy for daily as well as monthly workers as a percentage of the gross wages paid by registered employers;
- (g) fix the rate of contribution by dock employers to the Workers Welfare Fund;
- (h) constitute sub-Committees for different purposes, as may be considered necessary and prescribe their functions and terms of reference and abolish or reconstitute them;
- (i) sanction the Annual Budget;
- (j) appoint the Personnel Officer and the Administrative Superintendent;
- (k) sanction creation of posts carrying a monthly salary of Rs. 300 and over, and make appointments to such posts;
- (l) make recommendations to the Central Government about changes in Schedule I;
- (m) make recommendations to the Central Government about any modifications in the Scheme;
- (n) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours; and
- (o) discuss statistics of productivity of labour and turn-round of ships and record its observations and directions.

****7-B. Responsibilities and duties of Chairman—**

- (1) Consistent with the extant decisions of the Board the Chairman shall have full administrative and executive powers to deal with

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**Means a new Clause.

all matters relating to the day-to-day administration of the Scheme including the following matters namely:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' register are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registrations of specified number of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative Body or the Administrative Superintendent;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (iii) to report to the Board if any provisions of the Scheme are violated by the Administrative Body or the Administrative Superintendent;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers, are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the productivity of labour and the turn-round of ships are compiled and placed before the Board every month with appropriate remarks and explanations;
- (j) to sanction the creation of posts carrying a salary below Rs. 300 p.m. and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers as prescribed in the Scheme;
- (l) to allow exceptions to the maximum limit of overtime working normally permitted under the Scheme and to report all such cases to the Board;
- (m) to allow relaxation in the maximum number of shifts permitted to be worked by a worker per week or per month, and to report such cases to the Board;
- (n) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (o) to declare 'a state of emergency' and to take action as authorised under the Scheme;

- (p) to recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board, provided, however, he shall not make such a recommendation if the decision of the Board is the basis of an industrial dispute under the law;
- (q) to sanction the transfer of a monthly worker to the Pool at the request of the employer or the worker, as provided for in the Scheme;
- (r) to deal with appeals from workers and employers against non-registration; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) above excepting those mentioned under items (j), (n), (o), (p), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

****7-C. Responsibilities and duties of the Deputy Chairman—**

The Deputy Chairman shall be a whole time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clauses 36 and 37;
- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) function as Chairman of every sub-Committee of the Board of which he shall be nominated a member;
- (d) preside over the meetings of the Board in the absence of the Chairman; and
- (e) shall carry out the functions of the Administrative Body as laid down in clause 8 if an Administrative Body consisting of employers of dock workers is not constituted.

***(8). Functions of the Administrative Body—**

*Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered

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employer, either at his own request or in accordance with the provisions of the Scheme;

- (b) the keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from the register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
- * (e) the allocation of registered dock workers who are available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer,
 - (ii) make the fullest possible use of registered dock workers in the Reserve Pool,
 - (iii) keep the record of attendance, at call stands or control points, of registered dock workers,
 - (iv) provide for the maintenance of the records of employment and earnings,
- * (v) subject to the allotment of work by rotation under clause 21(3), allocate workers in accordance with clauses 14 and 22, and
- ** (vi) make necessary entries in Wage Cards of workers in the Reserve Pool as laid down in clause 19-A;
- *(f) ** (i) collection of levy, contribution to the Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
- ** (ii) collection of workers' contribution to the Provident Fund, Insurance Fund or any other Fund which may be constituted under the Scheme;
- (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- * (iv) the payment of the employers' and workers' contributions to any scheme of insurance constituted

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under any Act in respect of daily workers and the custody and stamping of their insurance books or cards;

*(v) the payment to the Board of the employers' and workers' contributions to the Provident Fund for Reserve Pool workers maintained by the Board;

*(g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:

Provided that the creation of posts carrying a pay of Rs. 250 or over per month and appointment of persons to such posts shall be subject to sub-clauses 7-A(k) and 7-B(1)(j);

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;

(i) the framing of budget annually and for getting it approved by the Board;

** (j) maintaining complete service records of all registered dock workers; and

*(k) such other functions as may from time to time be assigned to it by the Board, the Chairman and/or the Deputy Chairman.

****8-A. Labour Officer—**

An Administrative Body consisting of employers of dock workers will appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer will, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

****9. Functions of the Personnel Officer—**

The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out functions relating to disciplinary action against registered employers and daily workers under clause 36.

***9-A. Officers appointed by the Central Government for proper working of the Scheme—**

*(1) Notwithstanding the provisions of clauses 5, 6, 8 and 9 of the Scheme the Central Government may in its discretion appoint from time to time in consultation with the Chairman of the Board one or more officers and entrust to such officer or officers such functions as it may deem fit for the purpose of proper working of the Scheme.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

(2) Such officer or officers shall be subject to the general supervision and control of the Board and shall hold office for such period and on such terms and conditions as the Central Government may consider necessary.

***10. Maintenance of Registers, etc—**

(1) *Employers' Register.*—(a) There shall be a register of employers.

*(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore, who is working as a stevedore in the port of Calcutta on the date of constitution of the Board shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

*(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) A registration fee of Rs. 500 shall be payable to the Board by every stevedore.

** (e) The stevedores registered under (b) and (c) above belonging to a group, duly recognised by the Board, shall on application be grouped together in the register and the group shall be treated as one employer for employment of monthly workers.

*(2) *Workers' Register.*—*(a) The registers shall be maintained in the forms prescribed by the Board for this purpose.

*(b) The registers of stevedore workers shall be as under, namely:—

*(i) *Monthly Register.*—Register of workers who are engaged by each stevedore or group of stevedores, on contract on a monthly basis and who are known as monthly workers.

*(ii) *Reserve Pool Register.*—Register of workers other than those on the monthly register. This register shall include a sub-pool of stevedore workers to fill casual vacancies in gangs.

***11. Classification of workers in Registers—**

*(i) The Board shall arrange for the classification of workers by categories in the registers.

*(ii) Dock workers registered under the Scheme shall be classified in the following categories:—

(a) Deck-foreman.

(b) Hatchforeman or gunner.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

- (c) Winchman.
- (d) Sirdar.
- (e) Mate.
- *(f) Stevedore worker or Mazdoor.†
- ** (g) Derrick-fitter and Rigger.
- *(h) Tally and Sorting Clerk.

Note.—†This will cover former senior and junior Kamalias and senior and junior Rolias.

**12. Fixation of number of workers on the register—*

The Board shall in consultation with the Administrative Body—

- *(i) determine, before the commencement of registration in any category, the number of workers required,
- ** (ii) review periodically the number of workers required in each category and make adjustments accordingly in the number of workers on the registers.

13. Registration of existing and new workers—

(1) Any dock worker who, on the date of the constitution of the Board, is in the employment of any employer to whom the Scheme applies, shall be eligible for registration; but no such worker shall be so eligible unless he applies for registration on or before the date fixed by the Board for this purpose.

** (2) Employees specified in sub-clauses (i) and (ii) below shall not be registered under the Scheme but they shall be permitted to work without being registered:—

- (i) Staff in permanent employment of Shipping Companies on a monthly salary basis when employed for tally and sorting work on their ships.
- (ii) Clerks who were in permanent employment of stevedores on a monthly salary basis on 16th March, 1955 and were employed for tally and sorting work.

** (3) The Masters of the ships will be permitted to engage the crew of the ship for rigging and fitting of derricks. The Shipping Companies who have workshop establishments and who have been employing before the 1st August, 1955, their workshop staff for this purpose may also be permitted to continue to do so. In all other cases registered Derrick-fitters and Riggers only shall be employed for such work and on requisition made by registered stevedores.

** (4) The following principles shall apply in respect of registration of Derrick-fitters and Riggers and other categories which may be included in the Schedule I hereafter—

- (a) Before a worker is registered in any of the above categories the Dock Labour Board shall under clause 12 make

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**Means a new Clause.

a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the *bona fide* workers in that category who may then be working in the docks.

- (b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.
- (c) After the provisional registration has been completed, the booking in rotation shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.
- (d) A re-assessment of the requirements shall be made after three months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance money under clause 24 of the Scheme only shall commence from that time.
- (e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 23 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.
- (f) The minimum number of days in a month for which wages are guaranteed under clause 23 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered hereafter. Such minimum number of days may vary from category to category as determined under (e) above.
- (g) The wages of the workers in categories which may be registered hereafter shall also not be automatically fixed at the rates at which they may have been paid during their casual employment before registration.

***(5)** The Board may permit from time to time registration of temporary workers for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance wages under clause 24 and shall have the same obligations as registered pool workers.

***(6)** Any fresh recruitment whether on a temporary or permanent basis in any category already registered shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day

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of the requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made. The qualifications for selection shall be age as may be prescribed by the Dock Labour Board having regard to the local conditions but not exceeding 40 years, physical fitness, capacity and/or experience. Indian nationals only shall be eligible for registration.

* (7) New workers to be selected for registration in any category already registered will be on probation for a period of 3 months before being placed on a permanent basis on the registers.

* (8) *Irregular registration.*—Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by supplying any false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, whether in violation of the provisions of sub-clause (1), or otherwise, the Board may direct the removal of his name from the register:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause against the same.

*14. *Promotion and Transfer of Workers—*

* (1) A vacancy, other than a casual vacancy, in any category of workers in a Reserve Pool Register shall ordinarily be filled by promotion of a worker from the next lower category.

* (2) A vacancy, other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers or, if no person is suitable for promotion from lower categories of monthly workers, by transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers, the criterion for selection being merit and fitness for work of which the employer or the group of employers selecting the worker will be the sole judge.

Explanation.—The criteria for promotion shall ordinarily be the following, viz.:—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made,
- (c) record of past service.

NOTE:—A transfer from Reserve Pool Register to the Monthly Register in the same category or *vice-versa* shall not be deemed a promotion.

** (3) The Chairman or the Deputy Chairman may only, for sufficient and valid reasons, allow the transfer of a monthly worker to the Pool at the request in writing of the employer or the worker explaining fully the reason for the transfer. No transfer shall take

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** Means a new Clause.

place without prior approval of the Chairman or the Deputy Chairman:

*(4) If the services of a monthly worker are transferred under sub-clause (3) to the Pool, he shall be entitled to registration in the Reserve Pool in a similar category and his previous service shall be reckoned for all benefits in the Reserve Pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred unless the Board decides that for some special reason the worker is unfit to be re-employed as a dock worker. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

**15. Medical Examination—*

** (1) A new worker before registration must undergo, free of charge, medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose.

*(2) If the Administrative Body deems it necessary, a worker shall undergo, free of charge, medical examination by a Medical Board to be constituted by the Chairman. The Chairman will have the authority to terminate the services of a worker found unfit by the Medical Board.

**16. Facilities for Training—*

The Board shall provide for training of suitable registered workers in the duties of Winchmen, Signallers, Derrick-fitters and Riggers or any other training that it may deem necessary.

17. Registration Fee—

A registration fee of rupees two shall be payable to the Board by each worker, provided however that the fee for workers registered at the commencement of the Scheme shall be rupee one.

18. Supply of Cards—

(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely—

(i) Identity Card.

(ii) Attendance and Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

***18-A. "Service Records" for registered workers—*

"Service Records" for both monthly and Reserve Pool Workers shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the

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**Means a new Clause.

worker, promotions, commendations for good work etc. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

****18-B. "Record sheets" for registered employers—**

The Personnel Officer shall maintain a "Record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

***19. Surrender of Cards—**

A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely:—

- (a) when proceeding on leave;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended;

****19-A.** A Reserve Pool Worker shall hand over his Wage Card to the Administrative Body at the time he is allocated for work to a registered employer. The Administrative Body shall make necessary entries in the Wage Card in respect of the period of work done by the worker and return it to him at the conclusion of his engagement.

***20. Employment of Workers—**

***(1)** A monthly worker attached to a registered employer or a group of registered employers shall be entitled to be employed by that employer or the group of employers in preference to any worker in the reserve pool.

(2) For work which cannot be done by those on the Monthly Register, workers on the Reserve Pool Register shall be employed.

***21. Employment in Shifts—**

(1) Workers will be employed in shifts.

***(2) *(a)** Workers will not ordinarily be employed in two consecutive shifts and in no case shall a worker be employed in three consecutive shifts.

****(b)** Pool workers shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

****(c)** Normally monthly workers will not be employed for more than 6 shifts in a week or 26 shifts in a month, but when pool workers, who have not reached the maximum limit of employment defined in (b) above are not available, monthly workers may be employed upto 9 shifts in a week or 33 shifts in a month.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

******(d) In special circumstances, the Chairman may relax temporarily the restrictions under sub-clauses (b) and (c) to the extent absolutely necessary.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

***22. Filling up of Casual Vacancies—**

When a Sirdar or a Mate is absent, the casual vacancy thus created shall be filled up by a Sirdar or a Mate, as the case may be, who is not attached to any gang and is available for work; when such an unattached Sirdar or Mate is not available, the following procedure shall be followed:—

When a Sirdar is absent, the Mate of the gang shall work as Sirdar and when the Mate is absent, the senior man in the gang shall work as Mate. Casual vacancies in the gangs in the categories of stevedore workers shall be filled from the sub-pool of leave reserve workers by rotational booking.

***23. Guaranteed Minimum Wages in a month—**

*****(1) A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be:—

- (i) at the full rate subject to the fulfilment of the conditions laid down in clause 34(2); or
- (ii) proportionate to the number of days on which the Pool worker attended for work or was excused from attendance.

******(2) Subject to the provisions of sub-clause (1), the minimum number of days for which minimum wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the pool workers in the lowest categories of stevedore workers during the preceding year until the minimum number of days reaches 21, provided the number so fixed shall not, in any case, be less than the number in the preceding year.

NOTE:—The method of assessing the average employment is detailed in Schedule II.

******(3) The minimum number of days for which wages will be guaranteed under sub-clauses (1) and (2) above shall not automatically apply to workers in new categories that may be registered after 1st July, 1955. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under

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**Means a new Clause.

clause 13(4)(e). The annual refixation of the minimum number of days, as under (2) above, will be done independently in their case also.

Explanation.—In sub-clauses (1), (2) and (3) of this clause a “day” shall mean a “shift”.

24. Attendance wages—

Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance wages at the rate of rupee one per day for the days on which no work was found for him during a calendar month, provided that no attendance wages will be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 23 or otherwise or for which disappointment money is paid under clause 26.

25. Employment for a shift—

No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

26. Disappointment Money—

When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance.

**27. Appeal Tribunal—*

(1) The Central Government shall appoint one or more Appeal Tribunals for the purposes of hearing appeals under the Scheme.

* (2) The Appeal Tribunal shall consist of not more than three persons, who shall not be members of the Board.

28. Registration Committee— Deleted.

**29. Obligations of registered dock workers—*

(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

*Means modification of the existing Clause in the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

* (4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

- (a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift, as may be so specified;
- (b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

* (5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

**30. Obligations of registered employers—*

(1) Every registered employer shall accept the obligations of the Scheme.

* (2) Subject to the relaxation given in clause 13(2) a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8(e).

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

* (4) A registered employer shall, unless directed otherwise by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.

** (ii) A registered employer shall make payments as contributions to the Workers Welfare Fund in accordance with the rules of the Fund.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

**31. Restriction on employment—*

* (1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage, subject to the relaxation given in clause 13(2), for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

* (a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted:

** Provided that whenever unregistered workers have to be employed, the Administrative Body will obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 30(4), (5) and (6) and clause 33, be treated in respect of that dock work as if he were a daily worker.

** (3) A registered worker in the Reserve Pool may, provided he fulfils fully his obligations under clause 29, take up occasional employment under employers other than those registered under the Scheme on the days he is not allocated for work by the Administrative Body.

**32. Circumstances in which the Scheme ceases to apply—*

(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

* Means modification of the existing Clause in the Scheme.

** Means a new Clause.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

* (3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

**33. Wages, allowances and other conditions of service—*

It shall be an implied condition of the contract between a registered dock worker (whether monthly or daily), and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers, provided that—

** (i) a worker will be entitled to the normal daily time rate wage only if he produces the standard output;

** (ii) when the standard output is not produced, the daily wages earned by a worker shall be based on his actual output but in no case it shall be less than the guaranteed minimum wage which shall be equivalent to 3/5th of his normal time-rate wage inclusive of dearness allowance;

** (iii) all the foregoing provisions shall apply to the Monthly workers also for determining their wages on the days they work and for the balance of the days for which they are entitled to payment they shall draw wages on a calculated daily time-rate.

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

***Explanation.*—Each Dock Labour Board shall appoint a Committee consisting of representatives of registered employers, Shipping Companies, workers, the Port Authority and a nominee of the Central Government to determine the norms for productivity in respect of cargoes of different kinds, and/or Lines and/or Zones. Should the Committee not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Dock Labour Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers.

***33-A. Scheme for payment of Wages—*

(a) (i) Each Dock Labour Board should devise a Scheme which should relate the wages earned to the actual output of workers when they do not produce the standard output. The

* Means modification of the existing Clause in the Scheme.

** Means a new Clause.

Scheme should be submitted to the Central Government for approval before implementation.

- (ii) The Scheme shall provide that a worker should be entitled to normal time-rate wage for any period or periods for which loading or unloading may be held up for reasons beyond the worker's control, such as, inclement weather or non-availability of cargo in case of export, or completion of work before the expiry of the full shift period etc.
- (iii) Notwithstanding the provision of clause 33(a) (ii), a worker who consistently fails to produce a standard output shall be liable to disciplinary action for inefficiency.
- (iv) Should the Board fail to devise a suitable Scheme under sub-clause (i) above, the Central Government may direct the Board that the formula detailed in Schedule III or any other Scheme approved by Government shall be adopted.

(b) *Incentive Bonus*.—Workers producing more than the standard output shall be entitled to an incentive bonus on such a scale as may be prescribed by the Board provided that the output above a ceiling, as may be fixed by the Board, shall be ignored for the purpose of calculating the bonus.

(c) *Target bonus*.—If during a calendar month any worker has not earned any incentive bonus but has consistently produced the standard output, he shall be entitled to such "target bonus" as may be prescribed by the Board.

****33-B. Overtime—**

(I) Overtime work shall ordinarily be restricted to a maximum of two hours and allowed only in respect of finishing ships, unless the Chairman acting in his discretion makes an exception in any particular case. The rate of payment for overtime work shall be prescribed by the Board.

(II) Should a registered worker be employed in two consecutive shifts he shall be treated as having worked in two separate normal shifts and shall not be deemed as having performed overtime work.

****33-C. Holidays—**

Each worker shall be entitled to eight holidays with pay in a year which shall include all such days as are declared by the Board as closed days for the Port. Such closed days shall not exceed six in a year in the Port.

34. Pay in respect of unemployment or under-employment—

(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker

••Means a new Clause.

in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 23, 24 and 26.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points or was excused from attendance; and
- (b) his attendance or his excused attendance was recorded.

**35. Disentitlement to payment—*

*(1) A registered dock worker available for work who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 29(4) (a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Personnel Officer.

*(2) A registered dock worker in the Reserve Pool available for work who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 29(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the Reserve Pool and, whether or not he is so returned may be reported in writing to the Personnel Officer. When a registered dock worker is so returned to the Reserve Pool his wage card shall be returned to the Administrative Body.

*(3) The Personnel Officer shall consider any written report received under paragraph (1) or (2) and if, after investigating the matter, he notifies the registered dock worker and the Administrative Body that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 34 as the Personnel Officer thinks fit in respect of the wage period in which such failure occurred or continues.

**36. Disciplinary Procedure—*

(1) *(i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme and after investigating the matter, may give him a warning in writing, or

*(ii) where in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman, who may then cause further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

******(a) censure him and record the censure in his record sheet;

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

- * (b) subject to the approval of the Board and after one month's notice in writing given to the Registered Employer inform the Administrative Body that the name of the employer shall be removed for such period as determined by the Board or permanently in case of a grave offence.

* (2) * (I) A registered dock worker in the Reserve Pool, who is available for work and fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Personnel Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such periods as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days.

* (II) * (a) Where in a case reported to him under sub-clause (2) I, the Personnel Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Personnel Officer may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final orders, remain suspended or not;

- * (b) (i) where a worker has been suspended by an order under sub-clause II (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance wage provided in clause 24 or one fourth of his daily wage including dearness allowance, whichever is more; for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;
- (ii) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;
- (iii) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body may certify, the worker would have received had he not been suspended, provided further that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

** (III) Where, in the opinion of the Personnel Officer a higher punishment than that provided in sub-clauses (2) (I) and (II) is merited, he shall report the case to the Deputy Chairman.

** (IV) On receipt of the written report from the Personnel Officer as in sub-clause (2) (III) or from the employers or any other

* Means modification of the existing Clause in the Scheme.

** Means a new Clause.

person that a registered dock worker in Reserve Pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or have made through the Personnel Officer such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) suspend him for a period not exceeding three months or terminate his services after giving 14 days' notice;
- (e) dismiss him.

(3) Before any action is taken under sub-clause (1) or (2) the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(4) The Administrative Body shall be informed simultaneously about the action taken under sub-clauses (1) and (2)

**36-A. Special Disciplinary powers of the Chairman of the Board—*

(1) Notwithstanding anything contained in this Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and
- (ii) in the case of Reserve Pool workers, to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance wages for the wage period or periods in which the "go-slow" has been resorted to.

**(3) The Chairman may take disciplinary action—*

- (i) where the "go-slow" is resorted to by a gang, against all the members of the gang; and

*Means modification of the existing clause in the Scheme.

* (ii) where the "go-slow" is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman of the Board that a "go-slow" has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

****36-B.** The power to take disciplinary action against monthly workers shall vest in the employers and it shall be entirely their responsibility to take disciplinary action against monthly workers employed under them without prejudice to the powers of the Chairman under clauses 36-A and 40-A of the Scheme.

***37. Termination of Employment—**

(1) The employment of a registered dock worker in the Reserve Pool who is available for work shall not be terminated except—

*(a) by dismissal in the case of misconduct or inefficiency; or

*(b) by giving him fourteen days' notice in writing for any justifiable cause including inefficiency and irregular registration; or

**** (c)** for unfitness on medical grounds.

*(2) A registered dock worker in the Reserve Pool who is available for work shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board.

*(3) Where the employment of a registered dock worker by the Board has been terminated under paragraph (1) (a), (b) or (c) or under paragraph (2) by a notice given by him, his name shall forthwith be removed from the register or record by the Administrative Body.

***38. Appeals by registered workers—Appeal Tribunal—**

**** (1)** Appeals from the orders of the Administrative Body and the Personnel Officer shall in all cases of disciplinary action lie to the Deputy Chairman.

*(2) If a registered dock worker who is available for work is aggrieved by any order original or on an appeal, of the Chairman or Deputy Chairman under which he—

(a) is not entitled to any payment under clause 34 by reason of any of the grounds specified in clause 35 or 36; or

(b) is suspended from the Scheme; or

(c) is not properly grouped or regrouped in the register or record; or

*Means modification of the existing clause in the Scheme.

**Means a new clause.

(d) is to be removed from the register or record under paragraphs (1)(a) and (3) of clause 37; or

(e) is to be given a notice of termination of his employment in accordance with paragraph (1)(b) of clause 37;

he may, within fourteen clear days of the date of the order or, as the case may be, of the date of the receipt of the notice terminating his employment, prefer an appeal in writing to the Appeal Tribunal:

Provided that the Appeal Tribunal may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days:

Provided further that no such appeal shall lie where due notice has been given of the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided further, that an appeal shall lie where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the preceding proviso.

(3) The Appeal Tribunal shall, as soon as practicable, hear and decide the appeal, and if the appeal is allowed, it shall have power to order that the appellant shall be entitled to receive any payment or any part thereof which may be held to be due to him under clause 34 or that he shall be grouped in accordance with the decision of the Tribunal from such date as it may fix or that his name shall be restored in the register or record as from such date as it may fix. The Appeal Tribunal shall also have the power to vary, modify or alter the penalty imposed but it shall not have power to increase any penalty imposed or to impose a more severe penalty.

(4) An appellant shall not be entitled to be represented by a legal practitioner before the Appeal Tribunal, but he shall be entitled to be represented by a representative of the registered Trade Union of which he is a member or by a registered dock worker.

(5) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal and shall be final and conclusive. Such decision shall be forthwith given effect to by the Board and the Administrative Body.

***38-A. Appeals by registered employers—*

Appeals by registered employers against the decision of the Personnel Officer under clause 36(1)(i) shall lie with the Deputy Chairman; and an appeal against the decision of the Deputy Chairman in such a case shall lie with the Chairman.

****Means a new clause.**

**39. Appeal to Chairman—*

**(1)* A registered employer who is aggrieved by the decision of the Deputy Chairman on an appeal preferred to him by registered employer under clause 38-A; or by an order of the Deputy Chairman,

(a) recording a censure against him under clause 36(1)(ii)(a),
or

(b) directing a notice to be given under clause 36(1)(ii)(b) that his name will be removed from the employers' register, whether for a limited period or permanently,

may within 14 clear days of the date of the order or as the case may be, the date of the receipt of the notice of removal from the employers' register, prefer an appeal to the Chairman who shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

**(2)* A stevedore or a worker who has been refused registration under clause 10(1)(b), clause 10(1)(c) or clause 13, as the case may be, shall have a right of appeal to the Chairman within fourteen days of the date of such refusal and if the original refusal is by the Chairman the appeal shall lie to the Central Government in the case of a Stevedore and to the Appeal Tribunal in the case of a worker.

**(3)* A registered dock worker in the Reserve Pool who is aggrieved by an order of the Administrative Body, made under clause 29(4)(b), requiring him to undertake any work, which is not of the same category to which he belongs, may prefer an appeal to the Chairman within fourteen days of the date of such order.

40. Suspension of notice in case of certain appeals—

Where an appeal is lodged in accordance with the provisions of clause 38, the Appeal Tribunal may suspend the operation of the order appealed from (except where the order is of dismissal or of disentitlement under clause 35) pending the hearing and disposal of the appeal.

40-A. Special provisions for action in an emergency—

(1) If at any time the Chairman of the Board is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) if any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing;
or

(b) direct that the name of the registered employer shall be removed forthwith from the employers' register

*Means modification of the existing clause in the Scheme.

either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending enquiry, hold a summary inquiry into the allegation and take any of the following steps against that worker, that is to say, he may—

- (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) give him fourteen days' notice of termination; or
- (e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

**41. Cost of operating the Scheme—*

(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the following manner:—

Every registered employer shall pay to the Board—

- (a) such amount, whether by way of percentage on the gross wages payable by him under clause 30(5) or as otherwise agreed, together with and at the same time as the payment of those wages; and
- (b) at the same time as the payment under sub-paragraph (a), such amount whether by way of percentage on the gross wages shown as due to monthly workers in the return made under clause 30(4) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this clause, the Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent. of gross wages without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in clause 30(5)

*Means modification of the existing clause in the Scheme.

and the percentage payments set out in sub-clauses (1)(a) and (b) of this clause, as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

** (6) If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Board, the Administrative Body shall give a notice of suspension of the supply of registered dock workers if the employer fails to pay his dues within seven days from the date of receipt of the notice. If payment of the dues is not made within this period, the Administrative Body shall report the matter to the Chairman, who may order suspension of supply of registered workers to the registered employer until such payment is made or for a specified longer period.

****41-A. *Provident Fund and Gratuity—***

(i) There shall be a Contributory Provident Fund Scheme for registered workers, rules for which shall be framed by the Board. The Board shall maintain and administer the Provident Fund in respect of Reserve Pool workers. The employers' as well as workers' contributions to the Reserve Pool workers' Provident Fund shall be collected by the Administrative Body and made over by the Administrative Body to the Board. The registered employers shall be responsible for carrying out the Provident Fund rules in respect of monthly workers.

(ii) The Board shall frame rules for payment of Gratuity to registered workers.

****41-B. *Workers Welfare Fund—***

Cost of amenities, welfare and health measures and recreation facilities shall be met from a separate fund called Workers Welfare Fund which shall be maintained by the Dock Labour Board. Contributions to this Fund shall be made by all Dock employers working in the Port on a basis to be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of the Fund.

42. *Penalties—*

A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

**Means a new clause.

*SCHEDULE I

Classes or descriptions of dock work and dock workers to which the Scheme applies:—

- (1) Stevedoring work other than coal and salt work.
- * (2) The following categories of stevedore workers—
 - (a) Deck-foreman.
 - (b) Hatchforeman or gunner.
 - (c) Winchman.
 - (d) Sirdar.
 - (e) Mate.
- *(f) Stevedore worker or Mazdoor.
- ** (g) Derrick-Fitter and Rigger.
- *(h) Tally and Sorting Clerk.

**SCHEDULE II

The minimum number of days guaranteed for wages every month should be assessed annually on the basis of the average employment during the immediately preceding twelve months according to the following procedure:—

- (a) Suppose an assessment is being made in the month of October, 1955, the average total number of Pool workers in the lowest categories (namely Kamalias and Rolias) during the 12 months ending 30th September, 1955, should be ascertained. This will include workers on leave or absent but whose names are still borne on the Reserve Pool Register.
- (b) The total wages, earned including leave allowances but excluding payments made on account of minimum guarantee, attendance allowance, incentive bonus, overtime or any other allowance paid to those workers in the 12 months ending 30th September, 1955, should be calculated.
- (c) The total wages under (b) should be divided by the total number of such workers on the register as under (a) to arrive at the annual average wages earned by a Pool worker on the register in these categories.
- (d) The figure arrived at under (c) divided by 12, will give the average monthly earnings of a Pool worker in these categories.

*Means modification in the existing Schedule or classification of workers.

**Means a new Schedule or new category of workers.

- (e) The average of daily wages in respect of the various workers in these categories should be worked out.
- (f) The average monthly wages as in (d) divided by the average daily wage as in (e) will give the average number of days in a month worked by a Pool worker in these categories on the register.

The number arrived at in (f) above may be fixed as the minimum number of days for which wages may be guaranteed for the next 12 months ending 30th September, 1956. For clarification, an example is given below:—

At Calcutta Kamalias and Rolias are the lowest categories of workers.

2 Kamalias I and II get	= Rs. 5-12-0 × 2 = Rs. 11- 8-0
2 Kamalias III and IV get	= Rs. 5-5-0 × 2 = Rs. 10-10-0
2 Rolias I and II get	= Rs. 4-13-0 × 2 = Rs. 9-10-0
1 Rolia III gets	= Rs. 4-12-0
	<hr/>
	Rs. 36- 8-0

Average daily wage per worker	= Rs. $\frac{36-8-0}{7}$	= Rs. $\frac{73}{14}$
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Suppose :

The average total number of Kamalias and Rolias on the reserve pool register between 1st October, 1954 and 30th Sept., 1955 = 4,000

Total wages earned by these workers excluding minimum guarantee, attendance allowance or any incentive bonus during the 12 months ending 30th September, 1955 = Rs. 37,00,000.

Total average wages earned by each worker in these categories on the register during 12 months ending 30th September, 1955 = Rs. $\frac{37,00,000}{4,000}$

Average total wages per month earned by each worker = Rs. $\frac{3,700}{4 \times 12}$

Average daily wage per worker = Rs. $\frac{73}{14}$

Average number of shifts worked per worker in these categories in a month during this period = $\frac{3,700}{4 \times 12} \times \frac{14}{73}$

= 14.8

After rounding off to the nearest day = 15

The minimum number of days in a month for the next twelve months for which wages will be guaranteed will then be 15.

Although this average has been calculated for the lowest categories of workers only, it will apply to all the categories of stevedore labour, namely, Sirdars, Mates, Tindals and Winchmen etc. etc. If a new category is registered, the minimum guarantee for this, to start with, will be determined as has been provided in the principles relating to the registration of new categories mentioned in clause 13(4) of the Scheme.

Similar calculation should be made in October, 1956, and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

**SCHEDULE III

The formula and the method to determine the wages of a worker when his production is less than the standard output.

Suppose :

- (1) The number of workers in a gang, including a winchman, if any, entitled to wages under piece rate is = n
 - (2) The daily wages including dearness allowance of the lowest paid worker in the gang = w
 - (3) The difference in the daily inclusive wages of other workers in the gang and the lowest paid worker may be expressed as d₁, d₂, d₃ etc.
 - (4) The standard output per shift = S Tons.
 - (5) Actual output in the particular shift = P Tons.
 - (6) The basic piece rate per ton for the gang will be $= \frac{w \times n}{S}$
 - (7) The basic piece rate per worker per ton will be $= \frac{w \times n}{S \times n} = \frac{w}{S}$
 - (8) Daily wages payable to the lowest paid worker on the basis of actual production will be $= \frac{w}{S} \times P = \frac{WP}{S}$
= Say R
- [* To be rounded off to the nearest pie.]
[† To be rounded off to the nearest anna.]
- (9) The wages payable to the lowest worker calculated as in (8) will be subject to a guaranteed minimum wage equal to 3/5th of the daily time rate wage.
 - (10) Wages payable to other workers in the gang will be = R + d₁, R + d₂ and so on.

To clarify the operation of this formula, two examples are given below:—

Example 1.

The standard output for a particular type of cargo is 45 tons but a gang consisting of one Sirdar, one Mate, four Kamalias and three Rolias working with one Winchman handles 40 tons in a particular shift. The time rate wages, inclusive of dearness allowance, and their difference with the wage of the lowest paid worker are as given below:—

Existing time rate wages at Calcutta are:—

Category	Time rate daily wage	Difference w Rolia III
I	2	3
	Rs. as. p.	Rs. as. p.
Sirdar	8 4 0	3 8 0
Mate	6 4 0	1 8 0
Kamalias I and II	5 12 0	1 0 0

**Means a new schedule,

Category	Time rate daily wage	Difference with Rolia III
1	2	3
	Rs. as. p.	Rs. as. p.
Kamalias III and IV	5 5 0	0 9 0
Rolias I and II	4 13 0	0 1 0
Rolia III	4 12 0	
Winchman	5 12 0	1 0 0

$n = 10$

$w = \text{Rs. } 4-12-0.$

d_1, d_2 etc. will be as shown in column 3 above.

$S = 45$ tons.

$P = 40$ tons.

The basic piece rate per ton for the gang is $= \frac{w \times n}{S} = \frac{4-12-0 \times 10}{45}$
 $= \frac{760}{45}$ annas.

The basic piece rate per ton for the lowest category i.e. Rolia III is $= \frac{w \times n}{S \times n} = \frac{w}{S} = \frac{76}{45}$ annas.
 $= \text{Re. } 0-1-8 \frac{4}{15}$

Rounded off to the nearest pie = 20 pies.

Daily wages payable to Rolia III will be $= \frac{w}{S} \times P$
 $= 20 \times 40 = 800$ pies = Rs. 4-2-8.
 Rounded off to the nearest anna = Rs. 4-3-0.

Wages of Rolias I and II will be = Rs. 4-3-0 + 1 anna = Rs. 4-4-0.

Wages of Kamalias III and IV will be = Rs. 4-3-0 + As. 9 = Rs. 4-12-0.

Wages of Kamalias I and II will be = Rs. 4-3-0 + Re. 1 = Rs. 5-3-0.

Wages of the Mate will be = Rs. 4-3-0 + Rs. 1-8-0 = Rs. 5-11-0.

Wages of the Sirdar will be = Rs. 4-3-0 + Rs. 3-8-0 = Rs. 7-11-0.

Wages of the Winchman will be = Rs. 4-3-0 + Re. 1-0-0 = Rs. 5-3-0.

Example II.

The same gang handles only 25 tons of the same cargo during a particular shift. The basic rate per worker per ton will be the same as in the previous example, namely 20 pies per ton.

Wages payable to the lowest paid worker on the basis of actual production of 25 tons will be $= 20 \times 25 = 500$ pies.
 $= \text{Rs. } 2-9-8$

Rounded off to nearest anna will be = Rs. 2-10-0.

The guaranteed minimum wage i.e. $\frac{3}{5}$ th of the Rolia III's pay is $= \frac{3}{5}$ of Rs. 4-12-0.
 $= \text{Rs. } 2-13-7.$

Rounded off to the nearest anna = Rs. 2-14-0.

Since the wages actually earned are less than the guaranteed minimum wage, the wages payable will be the guaranteed minimum

wage, namely Rs. 2-14-0 to the Rolia III and the wages payable to the others will be—Rs. 2-14-0 plus their differentials, i.e.—

Rolias I and II will get	= Rs. 2-14-0 + 1 anna. = Rs. 2-15-0.
Kamalias III and IV will get	= Rs. 2-14-0 + Re. 0-9-0. = Rs. 3-7-0.
Kamalias I and II will get	= Rs. 2-14-0 + Re. 1-0-0. = Rs. 3-14-0.
The Mate will get	= Rs. 2-14-0 + Re. 1-8-0. = Rs. 4-6-0.
The Sirdar will get	= Rs. 2-14-0 + Rs. 3-8-0. = Rs. 6-6-0.
The Winchman will get	= Rs. 2-14-0 + Re. 1-0-0 = Rs. 3-14-0.

It follows that for shifts when a gang does $\frac{3}{5}$ th or less than the three fifth of the standard output, different workers will be entitled to wages which will be equal to the guaranteed minimum wage for the Rolia III plus their respective differentials.

THE SCHEME

THE MADRAS DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1952 AS AMENDED UPTO.....1955.

1. Name of the Scheme—

The Scheme may be called the Madras Dock Workers (Regulation of Employment) Scheme, 1952 and is hereinafter referred to as "the Scheme".

*2. Objects and application—

(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

*(2) The Scheme relates to the Port of Madras and shall apply to the classes or descriptions of dock work and dock workers set out in the Schedule I, annexed to the Scheme:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

*3. Interpretations—

In this Scheme, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);

*(b) "Administrative Body" means the Authority appointed under clause 5;

*(c) "Board" means the Board constituted under clause 4;

(d) "cargo" includes anything carried or to be carried in a ship or other vessel;

** (e) "Chairman" means the Chairman of the Dock Labour Board;

** (f) "Executive Officer" means the Officer appointed by the Dock Labour Board under clause 6;

(g) "daily worker" means a registered dock worker who is not a monthly worker;

** (h) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers;

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

- (i) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (j) "dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port;
- (k) "employer's register" means the register of dock employers maintained under the Scheme;
- ** (l) "Labour Officer" means the officer appointed by the Administrative Body under clause 8-A;
- * (m) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of employers under a contract which requires for its termination at least one month's notice on either side;
- ** (n) "Personnel Officer" means the officer appointed by the Board under clause 6;
- (o) "register or record" means the register or record of dock workers maintained under the Scheme;
- (p) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (q) "registered employer" means a dock employer whose name is for the time being entered in the employers' register;
- * (r) "reserve pool" means registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer as monthly workers;
- ** (s) "vessel" means an ocean going vessel whose gross registered tonnage is not less than 350 tons;
- (t) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

**4. Madras Dock Labour Board—Establishment of—*

(1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be called the "Madras Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

*(3) The Board shall consist of not less than 12 members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

*(4) The Chairman of the Port Authority shall *ex-officio* be the Chairman of the Board and the Vice-Chairman of the Board shall be elected by members of the Board from among themselves. The Chairman will be included in the members representing the Government.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may, subject to the approval of the Central Government, be determined by the Board, from time to time.

(7) (a) A member of the Board shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(b) A member appointed to fill a casual vacancy shall hold office for the un-expired portion of the term of the person in whose place he is appointed.

*(c) A member may resign by a letter under his hand addressed to the Chairman.

(d) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from, and of his return to, India and, if he intends to be absent from India for a period exceeding six months, he shall tender his resignation.

(e) A member shall be deemed to have vacated his office:—

- (i) if he proceeds out of India without complying with the provisions of the sub-clause (d);
- (ii) if he becomes insolvent;

*Means modification of the existing Clause in the Scheme.

- (iii) if he is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- * (iv) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman;
- (v) if, in the opinion of Central Government, a member who was appointed to represent dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be; or
- (vi) if, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member;
- ** (vii) if, representation of the organisation which he represents on the Board is withdrawn by the Central Government on the recommendation of the Chairman on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the Board, provided, however, the Central Government, shall not withdraw such representation when the decision of the Board is the basis of an industrial dispute under the law.

(8) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of the Board.

(9) The quorum and procedure of the Board shall be such as the Board may from time to time determine.

(10) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting, and in case of equality of votes the Chairman shall have a second or a casting vote.

5. *Administrative Body*—

(1) The Central Government may, by notification in the Official Gazette, appoint the Madras Stevedores' Association or any other authority for the purpose of carrying on the day-to-day administration of the Scheme and such Association or other authority, when so appointed, shall be known as the Administrative Body.

(2) The Administrative Body shall subject to the supervision and control of the Board and subject to the provisions of clause 9 carry on the day-to-day administration of the Scheme.

(3) The Central Government may, for sufficient cause, remove any authority appointed under sub-clause (1):

Provided that no such authority shall be removed unless it has been given a reasonable opportunity of being heard.

* Means modification of the existing Clause in the Scheme.

** Means a new Clause.

**6. Executive Officer and Personnel Officer—*

The Board may appoint an Executive Officer and a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post carrying a salary of rupees five hundred per mensem or more, shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

**7. Functions of the Board—*

(1) The Board may take such measures as it may consider desirable for furthering the objective of the Scheme set out in clause 2 including measures for:

- *(a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the Port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increases or reductions to be made in the numbers in any such registers or records;
- (d) keeping, adjusting and maintaining the employer's registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on

*Means modification of the existing Clause in the Scheme.

the application of the Administrative Body or of the registered dock worker;

- (g) making satisfactory provision for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (i) making satisfactory provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- ** (j) maintaining and administering the Workers Welfare Fund and recovering from all dock employers contribution towards the Fund in accordance with the rules;
- ** (k) maintaining and administering a Provident Fund for Reserve Pool workers;
- (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

*(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government an annual report on the working of the Scheme, an audited balance sheet and copies of proceedings of the meetings of the Board.

****7-A. Responsibilities and duties of the Board in meeting.**—The Board in meeting shall be responsible for dealing with all matters of policy and in particular shall—

- (a) (i) fix the number of workers to be registered under various categories;
- (ii) increase or decrease the number of workers in any category on the register from time to time as may be

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

necessary after a periodical review of the registers and anticipated requirements;

- (b) sanction temporary registration of a specified number of workers in any category for a specified period;
- (c) consider registration of new employers on the recommendation of the Chairman;
- (d) prescribe forms, records, registers and statements, etc. etc., required to be maintained under the Scheme;
- (e) determine the wages, allowances and other conditions of service, and refix the guaranteed minimum wages in a month after annual reviews;
- (f) fix the rate of levy for daily as well as monthly workers as a percentage of the gross wages paid by registered employers;
- (g) fix the rate of contribution by dock employers to the Workers Welfare Fund;
- (h) constitute sub-Committees for different purposes, as may be considered necessary and perscribe their functions and terms of reference and abolish or reconstitute them;
- (i) sanction the Annual Budget;
- (j) appoint the Executive Officer and the Personnel Officer;
- (k) sanction creation of posts carrying a monthly salary of Rs. 300/- and over, and make appointments to such posts;
- (l) make recommendations to the Central Government about changes in Schedule I;
- (m) make recommendations to the Central Government about any modifications in the Scheme;
- (n) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours; and
- (o) discuss statistics of productivity of labour and turn-round of ships and record its observations and directions.

****7-B. Responsibilities and duties of Chairman—**

(1) Consistent with the extant decisions of the Board, the Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme including the following matters namely:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;

****Means a new Clause.**

- (b) to ensure that the sanctions for temporary registrations of specified number of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative Body;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (iii) to report to the Board if any provisions of the Scheme are violated by the Administrative Body;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers, are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the productivity of labour and the turn-round of ships are compiled and placed before the Board every month with appropriate remarks and explanations;
- (j) to sanction the creation of posts carrying a salary below Rs. 300/- p.m. and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers as prescribed in the Scheme;
- (l) to allow exceptions to the maximum limit of overtime working normally permitted under the Scheme and to report all such cases to the Board;
- (m) to allow relaxation in the maximum number of shifts permitted to be worked by a worker per week or per month, and to report such cases to the Board;
- (n) to declare that there has been a 'go slow' and to take action as authorised under the Scheme;
- (o) to declare 'a state of emergency' and to take action as authorised under the Scheme;
- (p) to recommend to the Central Government the withdrawal of the representation of any organisation from the Board on the ground that the organisation has collectively failed to implement a unanimous or a majority decision of the

Board, provided, however, he shall not make such a recommendation if the decision of the Board is the basis of an industrial dispute under the law;

- (q) to sanction the transfer of a monthly worker to the Pool at the request of the employer or the worker, as provided for in the Scheme;
- (r) to deal with appeals from workers and employers against non-registration; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Executive Officer any of the functions under sub-clause (1) above excepting those mentioned under items (j), (l), (m), (n), (o), (p), (q), (r), and (s). Such delegation, however, shall not divest the Chairman of his powers.

***7-C. Responsibilities and duties of the Executive Officer—*

The Executive Officer shall be a whole time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clauses 36 and 37;
- (b) exercise such other functions as are delegated to him in writing by the Chairman.

**8. Functions of the Administrative Body—*

*Without prejudice to the powers and functions of the Board, the Chairman and the Executive Officer, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) the keeping, adjusting and maintaining the employers register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- * (b) the keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from the register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

- (c) the employment and control of registered dock workers available for work when they are **not otherwise employed** in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
- * (e) the allocation of registered dock workers who are available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of registered dock workers in the Reserve Pool;
 - (iii) keep the record of attendance, at call stands or control points, of registered dock workers;
 - (iv) provide for the maintenance of the records of employment and earnings;
 - * (v) subject to the allotment of work by rotation under clause 21 (3), allocate workers in accordance with clauses 14 and 22;
- ** (iv) make necessary entries in Wage Cards of workers in the Reserve Pool as laid down in clause 19-A.
- (f) ** (i) collection of levy, contribution to the Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
- ** (ii) collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
- (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- * (iv) the payment of the employers' and workers' contributions to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards;
- * (v) the payment to the Board of the employers' and workers' contributions to the Provident Fund for Reserve Pool workers maintained by the Board;
- * (g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:

* Means modification of the existing Clause in the Scheme.

** Means a new Clause.

Provided that the creation of posts carrying a pay of Rs. 250/- or over per month and appointment of persons to such posts shall be subject to sub-clauses 7-A(k) and 7-B (1) (j);

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;

(i) the framing of budget annually and for getting it approved by the Board;

** (j) maintaining complete service records of all registered dock workers; and

* (k) such other functions as may from time to time be assigned to it by the Board, and/or Chairman.

****8-A. Labour Officer—**

An Administrative Body consisting of employers of dock workers will appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer will, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

****9. Functions of the Personnel Officer—**

The Personnel Officer shall assist the Executive Officer generally in the discharge of his duties and shall, in particular, carry out the functions relating to disciplinary action against registered employers and daily workers under clause 36.

****9-A. Officers appointed by the Central Government for proper working of the Scheme—**

(1) Notwithstanding the provisions of clauses 5, 6, 8 and 9 of the scheme, the Central Government may in its discretion appoint from time to time, in consultation with the Chairman of the Board, one or more officers and entrust to such officer or officers such functions as it may deem fit for the purpose of proper working of the Scheme.

(2) Such officer or officers shall be subject to the general supervision and control of the Board and shall hold office for such period and on such terms and conditions as the Central Government may consider necessary.

***10. Maintenance of Registers, etc.—**

(1) *Employers' Register.—*

(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore, who is licensed by the Madras Port

*Means modification of the existing Clause in the Scheme.

**Means a new Clause.

Trust at the time when the Scheme is put into operation and who has worked as a stevedore in the Port of Madras at any time during the preceding two years shall be entitled to be registered under the Scheme; but no such person shall be entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

* (d) A registration fee of Rs. 500/- shall be payable to the Board by every stevedore.

** (e) The stevedores registered under (b) and (c) above belonging to a group, duly recognised by the Board, shall on application be grouped together in the register and the group shall be treated as one employer for employment of monthly workers.

* (2) *Workers' Registers.*—* (a) The registers shall be maintained in the forms prescribed by the Board for this purpose.

* (b) The registers of stevedore workers shall be as under, namely:—

* (i) *Monthly Register.*—Register of workers who are engaged by each stevedore or group of stevedores, on contract on monthly basis and who are known as monthly workers.

* (ii) *Reserve Pool Register.*—Register of workers other than those on the monthly register. This register shall include a sub-pool of stevedore workers to fill casual vacancies in gangs.

**11. Classification of workers in Registers—*

* (i) The Board shall arrange for the classification of workers by categories in the registers.

* (ii) Dock workers registered under the Scheme shall be classified in the following categories:—

(a) Foreman (Serang).

(b) Tindal.

(c) Winchman.

* (d) Stevedore worker or Mazdoor.

** (e) Tally and Sorting Clerk.

**12. Fixation of number of workers on the Register—*

The Board shall in consultation with the Administrative Body—

* (i) determine, before the commencement of registration in any category, the number of workers required,

** (ii) review periodically the number of workers required in each category and make adjustments accordingly in the number of workers on the registers.

* Means modification of the existing Clause or classification of workers in the Scheme.

** Means a new Clause or new category of workers.

**13. Registration of existing and new workers—*

(1) Any dock worker who, immediately before the coming into force of the Scheme, is in the employment of any employer to whom the Scheme applies, shall be eligible for registration.

** (2) Employees specified in sub-clauses (i) and (ii) below shall not be registered under the Scheme but they shall be permitted to work without being registered.

(i) Staff in the permanent employment of Shipping Companies on a monthly salary basis when employed for tally and sorting work on their ships.

(ii) Clerks who were in the permanent employment of stevedores on a monthly salary basis on 30th June, 1955, and employed for tally and sorting work.

*(3) The following principles shall apply in respect of registration of Tally and Sorting Clerks and other categories which may be included in Schedule I hereafter:

(a) Before a worker is registered in any of the above categories, the Dock Labour Board shall under clause 12 make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the *bonafide* workers in that category who may then be working in the docks.

(b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.

(c) After the provisional registration has been completed, the booking in rotation shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.

(d) A reassessment of the requirements shall be made after three months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance money under clause 24 of the Scheme only shall commence from that time.

(e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 23 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.

(f) The minimum number of days in a month for which wages are guaranteed under clause 23 to categories of workers previously registered shall not automatically be claimed by

*Means modification of the existing clause in the Scheme.

**Means a new clause.

workers of the categories to be registered hereafter. Such minimum number of days may vary from category to category as determined under (e) above.

- (g) The wages of the workers in categories which may be registered hereafter shall also not be automatically fixed at the rates at which they may have been paid during their casual employment before registration.

** (4) The Board may permit from time to time registration of temporary workers for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance wages under clause 24 and shall have the same obligations as registered pool workers.

* (5) Any fresh recruitment, whether on a temporary or permanent basis, in any category already registered shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment, after absorbing suitable men from the Employment Exchange register, may be made. The qualifications for selection shall be age as may be prescribed by the Dock Labour Board having regard to the local conditions but not exceeding 40 years, physical fitness, capacity and/or experience. Indian nationals only shall be eligible for registration.

* (6) New workers to be selected for registration in any category already registered will be on probation for a period of 3 months before being placed on a permanent basis on the registers.

** (7) *Irregular registration.*—Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by supplying any false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, whether in violation of the provisions of sub-clause (1), or otherwise, the Board may direct the removal of his name from the register:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause against the same.

*14. *Promotion and Transfer of Workers—*

* (1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

* (2) A vacancy in any category, other than a casual vacancy, of monthly workers may be filled only by promotion from lower categories of monthly workers or, if no person is suitable for promotion from lower categories of monthly workers, by a transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers, the

*Means modification of the existing clause in the Scheme.

**Means a new clause.

criterion for selection being merit and fitness for work of which the employer or the group of employers selecting the worker will be the sole judge.

Explanation.—The criteria for promotion shall ordinarily be the following, viz:—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made,
- (c) record of past service.

Note.—A transfer from Reserve Pool Register to the Monthly Register in the same category or *vice versa* shall not be deemed a promotion.

***(3)** The Chairman may only for sufficient and valid reasons allow the transfer of a monthly worker to the Pool at the request in writing of the employer or the worker explaining fully the reasons for the transfer. No transfer shall take place without the prior approval of the Chairman.

***(4)** If the services of a monthly worker are transferred under sub-clause (3) to the Pool he shall be entitled to registration in the Reserve Pool in a similar category and his previous service shall be reckoned for all benefits in the Reserve Pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred unless the Board decides that for some special reason the worker is unfit to be re-employed as a dock worker. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

***15. Medical Examination—**

***(1)** A new worker before registration must undergo, free of charge, medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose.

***(2)** If the Administrative Body deems it necessary, a worker shall undergo free of charge medical examination by a Medical Board to be constituted by the Chairman. The Chairman will have the authority to terminate the services of a worker found unfit by a Medical Board.

***16. Facilities for Training—**

The Board shall provide for training of suitable registered workers in the duties of Winchmen and Signallers or any other training that it may deem necessary.

17. Registration Fee—

A registration fee of rupees two shall be payable to the Board by each worker, provided however, that the fee for workers registered at the commencement of the Scheme shall be rupee one.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

18. *Supply of Cards—*

(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely—

- (i) Identity Card.
- (ii) Attendance and Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

***18-A. "Service Records" for registered workers—*

"Service Records" for both monthly and Reserve Pool Workers shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work etc. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

**18-B. "Record sheets" for registered employers—*

The Personnel Officer shall maintain a "Record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

**19. Surrender of Cards—*

A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely:—

- (a) when proceeding on leave;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended.

**19-A.* A Reserve Pool Worker shall hand over his Wage Card to the Administrative Body at the time he is allocated for work to a registered employer. The Administrative Body shall make necessary entries in the Wage Card in respect of the period of work done by the worker and return it to him at the conclusion of his engagement.

**20. Employment of Workers—*

(1) A monthly worker attached to a registered employer or a group of registered employers shall be entitled to be employed by that employer or the group of employers in preference to any worker in the reserve pool.

(2) For work which cannot be done by those on the Monthly Register, workers on the Reserve Pool Register shall be employed.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

***21. Employment in Shifts—**

- (1) Workers will be employed in shifts.
- * (2) * (a) Workers will not ordinarily be employed in two consecutive shifts and in no case shall a worker be employed in three consecutive shifts.
- ** (b) Pool workers shall not be employed for more than 9 shifts in a week or 33 shifts in a month.
- ** (c) Normally, monthly workers will not be employed for more than 6 shifts in a week or 26 shifts in a month, but when Pool workers, who have not reached the maximum limit of employment defined in (b) above are not available, monthly workers may be employed upto 9 shifts in a week or 33 shifts in a month.
- ** (d) In special circumstances, the Chairman may relax temporarily the restriction under sub-clauses (b) and (c) to the extent absolutely necessary.
- (3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.
- (4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

***22. Filling up of Casual Vacancies—**

When a Tindal is absent the seniormost worker in the shift shall work as a Tindal. The resultant vacancy shall be filled from the sub-pool of leave reserve workers by rotational booking.

***23. Guaranteed Minimum Wages in a Month—**

* (1) A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be—

- (i) at the full rate subject to the fulfilment of the conditions laid down in clause 34(2); or
- (ii) proportionate to the number of days on which the Pool worker attended for work or was excused from attendance.

** (2) Subject to the provisions of sub-clause (1), the minimum number of days for which minimum wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the Pool workers in the lowest category of stevedore workers during the preceding year until the minimum number of days reaches 21, provided the number so fixed shall not, in any case, be less than the number in the preceding year.

NOTE.—The method of assessing the average employment is detailed in Schedule II.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

**** (3)** The minimum number of days for which wages will be guaranteed under sub-clauses (1) and (2) above shall not automatically apply to workers in new categories that may be registered after 1st July, 1955. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 13(3) (c). The annual refixation of the minimum number of days as under (2) above will be done independently in their case also.

Explanation.—In sub-clauses (1), (2) and (3) of this clause a “day” shall mean a “shift”.

24. Attendance wages—

Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance wages at the rate of rupee one per day for the days on which no work was found for him during a calendar month, provided that no attendance wages will be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 23 or otherwise or for which disappointment money is paid under clause 26.

25. Employment for a shift—

No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

26. Disappointment Money—

When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance.

27. Appeal Tribunal—

(1) The Central Government shall appoint one or more Appeal Tribunals for the purposes of hearing appeals under the Scheme.

(2) The Appeal Tribunal shall consist of not more than three persons, who shall not be members of the Board.

28. Registration Committee.—Deleted.

*29. Obligations of registered dock workers—

(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

(3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

* (4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift, as may be so specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

* (5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

**30. Obligations of registered employers—*

(1) Every registered employer shall accept the obligations of the Scheme.

* (2) Subject to the relaxation given in clause 13 (2), a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8 (e).

(3) A registered employer shall, in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

* (4) A registered employer shall, unless directed otherwise by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.

** (ii) A registered employer shall make payment as contributions to the Workers Welfare Fund in accordance with the rules of the Fund.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and

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furnish such information relating thereto, as may be set out in any notice or directions issued by or on behalf of the Board.

***31. Restriction on employment—**

*(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage, subject to the relaxation given in clause 13(2), for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

*(a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted:

**Provided that whenever unregistered workers have to be employed, the Administrative Body will obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 30(4), (5) and (6) and clause 33, be treated in respect of that dock work as if he were a daily worker.

*(3) A registered worker in the Reserve Pool may, provided he fulfils fully his obligations under clause 29, take up occasional employment under employers other than those registered under the Scheme on the days he is not allocated for work by the Administrative Body.

32. Circumstances in which the Scheme ceases to apply—

(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

***33. Wages, allowances and other conditions of service—**

It shall be an implied condition of the contract between a registered dock worker (whether monthly or daily) and a registered employer that—

*Means modification of the existing clause in the Scheme.

**Means a new clause.

(a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers, provided that;

** (i) a worker will be entitled to the normal daily time rate wage only if he produces the standard output;

** (ii) when the standard output is not produced, the daily wages earned by a worker shall be based on his actual output but in no case it shall be less than the guaranteed minimum wage which shall be equivalent to 3/5th of his normal time rate wage inclusive of dearness allowance;

** (iii) All the foregoing provisions shall apply to the Monthly workers also for determining their wages on the days they work and for the balance of the days for which they are entitled to payment, they shall draw wages on a calculated daily time rate.

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

****Explanation.**—Each Dock Labour Board shall appoint a Committee consisting of representatives of registered employers, Shipping Companies, workers, the Port authority and a nominee of the Central Government to determine the norms for productivity in respect of cargoes of different kinds, and/or Lines and/or Zones. Should the Committee not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Dock Labour Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers.

****33-A. Scheme for payment of wages—**

(a) (i) Each Dock Labour Board should devise a Scheme which should relate the wages earned to the actual output of workers when they do not produce the standard output. The Scheme should be submitted to the Central Government for approval before implementation.

(ii) The Scheme shall provide that a worker should be entitled to normal time rate wage for any period or periods for which loading or unloading may be held up for reasons beyond the worker's control, such as, inclement weather or non-availability of cargo in case of export, or completion of work before the expiry of the full shift period etc.

(iii) Notwithstanding the provisions of clause 33(a)(ii), a worker who consistently fails to produce a standard output shall be liable to disciplinary action for inefficiency.

(iv) Should the Board fail to devise a suitable Scheme under Sub-clause (i) above, the Central Government may direct the Board that the formula detailed in Schedule III, or any other Scheme approved by Government shall be adopted.

(b) *Incentive bonus*.—Workers producing more than the standard output shall be entitled to an incentive bonus on such a scale as may be prescribed by the Board provided that the output above a ceiling, as may be fixed by the Board, shall be ignored for the purpose of calculating the bonus.

(c) *Target bonus*.—If during a calendar month any worker has not earned any incentive bonus but has consistently produced the standard output, he shall be entitled to such "target bonus" as may be prescribed by the Board.

****33-B. Overtime—**

(1) Overtime work shall ordinarily be restricted to a maximum of two hours and allowed only in respect of finishing ships, unless the Chairman acting in his discretion makes an exception in any particular case. The rate of payment for overtime work shall be prescribed by the Board.

(2) Should a registered worker be employed in two consecutive shifts he shall be treated as having worked in two separate normal shifts and shall not be deemed as having performed overtime work.

****33-C. Holidays—**

Each worker shall be entitled to eight holidays with pay in a year which shall include all such days as are declared by the Board as closed days for the Port. Such closed days shall not exceed six in a year in the Port.

34. Pay in respect of unemployment or under-employment—

(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 23, 24 and 26.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points or was excused from attendance; and

(b) his attendance or his excused attendance was recorded.

***35. Disentitlement to payment—**

*(1) A registered dock worker available for work who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 29(4) (a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Administrative Body.

*Means modification of the existing clause in the Scheme.

**Means a new clause.

* (2) A registered dock worker in the Reserve Pool available for work who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 29(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the Reserve Pool and, whether or not he is so returned may be reported in writing to the Administrative Body. When a registered dock worker is so returned to the Reserve Pool, his record book or wage card shall be returned to the Administrative Body.

* (3) The Administrative Body shall consider any written report received under paragraph (1) or (2) and if, after investigating the matter, it notifies the registered dock worker that it is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 34 as the Administrative Body thinks fit in respect of the wage period in which such failure occurred or continues.

**36. Disciplinary Procedure—*

* (1) * (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme and after investigating the matter, may give him a warning in writing, or

* (ii) where in his opinion, a higher penalty is merited, he shall report the case to the Executive Officer, who may then cause further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

— ** (a) censure him and record the censure in his record sheet;

* (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer inform the Administrative Body that the name of the employer shall be removed for such period as determined by the Board, or permanently in case of a grave offence.

(2) (I)* A registered dock worker in the Reserve Pool, who is available for work and fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Administrative Body which may after investigating the matter take any of the following steps as regards that worker, that is to say, it may—

(a) determine that, for such period as it thinks proper, that worker shall not be entitled to any payment under clause 34;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three days.

* Means modification of the existing clause in the Scheme.

** Means a new clause.

** (II) (a) where in a case reported to the Administrative Body under sub-clause (2) (I) it is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Administrative Body may, pending investigation of the matter, suspend the worker and report immediately to the Executive Officer, who after preliminary investigation of the matter shall pass orders thereon whether the worker, pending final orders, should remain suspended or not;

(b) (i) where a worker has been suspended by an order under sub-clause (II) (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance wage provided in clause 24 or one fourth of his daily wage including dearness allowance, whichever is more; for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(ii) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(iii) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body may certify, the worker would have received had he not been suspended, provided further that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

** (III) Where, in the opinion of the Administrative Body a higher punishment than that provided in sub-clauses (2) (I) and (II) is merited, it shall report the case to the Executive Officer.

** (IV) On receipt of the written report from the Administrative Body as in sub-clause (2) (III) or from the employers or any other person that a registered dock worker in Reserve Pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct, the Executive Officer may make or have made through the Personnel Officer such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) suspend him for a period not exceeding three months or terminate his services after giving 14 days' notice;
- (e) dismiss him.

**** (V)** On receipt of the written report from the Administrative Body or from the employers or any other person that the registered worker has consistently failed to produce the standard output or has been inefficient in any other manner, the Chairman may make or have made through the Personnel Officer such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the workers concerned, that is to say, he may impose any of the following penalties:

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) suspend him for a period not exceeding three months or terminate his services after giving 14 days' notice;
- (e) dismiss him.

(3) Before any action is taken under sub-clause (1) or (2), the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(4) The Administrative Body shall be informed simultaneously about the action taken under sub-clauses (1) and (2)

**** (5)** The disciplinary functions and powers vested in the Administrative Body under clauses 35 and 36 will be assigned by that Body to its Labour Officer who will in such matters act on its behalf.

****36-A. Special Disciplinary powers of the Chairman of the Board.—**

(1) Notwithstanding anything contained in this Scheme, if the Chairman of the Board is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal against such workers, as he may consider appropriate; and
- (ii) in the case of Reserve Pool workers, to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance wages for the wage period or periods in which the "go-slow" has been resorted to.

******Means a new clause.

(3) The Chairman may take disciplinary action—

- (i) where the “go-slow” is reported to by a gang, against all the members of the gang; and
- (ii) where the “go-slow” is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him:

Provided that the Chariman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman of the Board that a “go-slow” has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

***36-B.** The power to take disciplinary action against monthly workers shall vest in the employers and it shall be entirely their responsibility to take disciplinary action against monthly workers employed under them without prejudice to the powers of the Chairman under clauses 36-A and 40-A of the Scheme.

***37. Termination of Employment—**

(1) The employment of a registered dock worker in the Reserve Pool who is available for work shall not be terminated except—

- * (a) by dismissal in the case of misconduct or inefficiency; or
- * (b) by giving him fourteen days’ notice in writing for any justifiable cause including inefficiency and irregular registration; or

**** (c)** for unfitness on medical grounds.

* (2) A registered dock worker in the Reserve Pool who is available for work shall not leave his employment with the Board except by giving fourteen days’ notice in writing to the Board.

* (3) Where the employment of a registered dock worker by the Board, has been terminated under paragraph (1) (a), (b) or (c) or, under paragraph (2) by a notice given by him, his name shall forthwith be removed from the register or record by the Administrative Body.

***38. Appeal by registered workers—Appeal Tribunal—**

**** (1)** Appeals from the orders of the Administrative Body and Personnel Officer shall in all cases of disciplinary action lie to the Executive Officer.

* (2) If a registered dock worker who is availbale for work is aggrieved by any order in original or on an appeal of Chairman or

*Means modification of the existing clause in the Scheme.

******Means a new clause.

Executive Officer under which he—

- (a) is not entitled to any payment under clause 34 by reason of any of the grounds specified in clause 35 or 36; or
- (b) is suspended from the Scheme; or
- (c) is not properly grouped or regrouped in the register or record; or
- (d) is to be removed from the register or record under paragraphs (1) (a) and (3) of clause 37; or
- (e) is to be given a notice of termination of his employment in accordance with paragraph (1) (b) of clause 37;

he may, within fourteen clear days of the date of the order or, as the case may be, of the date of the receipt of the notice terminating his employment, prefer an appeal in writing to the Appeal Tribunal:

Provided that the Appeal Tribunal may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days:

Provided further that no such appeal shall lie where due notice has been given of the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided further, that an appeal shall lie where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the preceding proviso.

(3) The Appeal Tribunal shall, as soon as practicable, hear and decide the appeal, and if the appeal is allowed, it shall have power to order that the appellant shall be entitled to receive any payment or any part thereof which may be held to be due to him under clause 34 or that he shall be grouped in accordance with the decision of the Tribunal from such date as it may fix or that his name shall be restored in the register or record as from such date as it may fix. The Appeal Tribunal shall also have the power to vary, modify or alter the penalty imposed but it shall not have power to increase any penalty imposed or to impose a more severe penalty.

(4) An appellant shall not be entitled to be represented by a legal practitioner before the Appeal Tribunal, but he shall be entitled to be represented by a representative of the registered Trade Union of which he is a member or by a registered dock worker.

(5) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal and shall be final and conclusive. Such decision shall be forthwith given effect to by the Board and the Administrative Body.

****38-A. Appeals by registered employers.—**

Appeals by registered employers against the decision of the Personnel Officer under clause 36(1) (i) shall lie with the Executive Officer, and an appeal against the decision of the Executive Officer in such a case shall lie with the Chairman.

***39. Appeal to Chairman.—**

*** (1)** A registered employer who is aggrieved by the decision of the Executive Officer on an appeal preferred to him by registered employer under clause 38-A; or by an order of the Executive Officer,

(a) recording a censure against him under clause 36 (1) (ii) (a),
or

(b) directing a notice to be given under clause 36(1) (ii) (b) that his name will be removed from the employers' register, whether for a limited period or permanently,

may within 14 clear days of the date of the order or as the case may be, the date of the receipt of the notice of removal from the employers' register, prefer an appeal to the Chairman who shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

*** (2)** A stevedore or a worker who has been refused registration under clause 10 (1) (b), clause 10 (1) (c) or clause 13, as the case may be, shall have a right of appeal to the Chairman within fourteen days of the date of such refusal and if the original refusal is by the Chairman, the appeal shall lie to the Central Government in the case of a stevedore and to the Appeal Tribunal in the case of a worker.

*** (3)** A registered dock worker in the Reserve Pool who is aggrieved by an order of the Administrative Body, made under clause 29(4) (b), requiring him to undertake any work, which is not of the same category to which he belongs, may prefer an appeal to the Chairman within fourteen days of the date of such order.

40. Suspension of notice in case of certain appeals.—

Where an appeal is lodged in accordance with the provisions of clause 38, the Appeal Tribunal may suspend the operation of the order appealed from (except where the order is of dismissal or of disentitlement under clause 35) pending the hearing and disposal of the appeal.

****40-A. Special provisions for action in an emergency.—**

(1) If at any time the Chairman of the Board is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:

***Means** modification of the existing clause in the Scheme.

****Means** a new clause.

(i) if any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

- (a) give the registered employer a warning in writing, or
- (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending enquiry, hold a summary enquiry into the allegation and take any of the following steps against that worker, that is to say, he may—

- (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) give him fourteen days' notice of termination; or
- (e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

**41. Cost of operating the Scheme.—*

(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer shall pay to the Board—

- (a) such amount, whether by way of percentage on the gross wages payable by him under clause 30(5) or as otherwise agreed, together with and at the same time as the payment of those wages; and
- (b) at the same time as the payment under sub-paragraph (a), such amount whether by way of percentage on the gross wages shown as due to monthly workers in the return made under clause 30(4) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this clause, the Board may fix different percentages for different categories of work or workers,

*Means modification of the existing clause in the Scheme.

provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent. of gross wages without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in clause 30(5) and the percentage payments set out in paragraph (1) (a) and (b) of this clause, as the Board may consider necessary.

(5) The Administrative Board shall furnish from time to time to the Board such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

******(6) If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Board, the Administrative Body shall give a notice of suspension of the supply of registered dock workers if the employer fails to pay his dues within seven days from the date of receipt of the notice. If payment of the dues is not made within this period, the Administrative Body shall report the matter to the Chairman, who may order suspension of supply of registered workers to the registered employer until such payment is made or for a specified longer period.

****41-A. Provident Fund and Gratuity—**

(i) There shall be a Contributory Provident Fund Scheme for registered workers, rules for which shall be framed by the Board. The Board shall maintain and administer the Provident Fund in respect of Reserve Pool workers. The employers' as well as workers' contributions to the Reserve Pool workers' Provident Fund shall be collected by the Administrative Body and made over by the Administrative Body to the Board. The registered employers shall be responsible for carrying out the Provident Fund rules in respect of monthly workers.

(ii) The Board shall frame rules for payment of Gratuity to registered workers.

****41-B. Workers Welfare Fund—**

Cost of amenities, welfare and health measures and recreation facilities shall be met from a separate fund called Workers Welfare Fund which shall be maintained by the Dock Labour Board. Contributions to this Fund shall be made by all dock employers working in the Port on a basis to be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of the Fund.

42. Penalties—

A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

****Means a new clause.**

*SCHEDULE I

Classes or descriptions of dock work and dock workers to which the Scheme applies:—

- * (1) Stevedoring work other than coal and salt work.
- * (2) The following categories of stevedore workers:—
 - (a) Foreman (Serang).
 - (b) Tindal.
 - (c) Winchman.
 - * (d) Stevedore worker or Mazdoor.
 - ** (e) Tally and Sorting Clerk.

**SCHEDULE II

The minimum number of days guaranteed for wages every month should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:—

- (a) Suppose an assessment is being made in the month of October, 1955, the average total number of pool workers in the lowest category (namely, Stevedore worker or Mazdoor) during the 12 months ending 30th September, 1955, should be ascertained. This will include workers on leave or absent but whose names are still borne on the Reserve Pool Register.
- (b) The total wages earned including leave allowances but excluding payments made on account of minimum guarantee, attendance allowance, incentive bonus, overtime or any other allowance paid to those workers in the 12 months ending 30th September, 1955, should be calculated.
- (c) The total wages under (b) should be divided by the total number of such workers on the register as under (a) to arrive at the annual average wages earned by a pool worker on the register in this category.
- (d) The figure arrived at under (c) divided by 12 will give the average monthly earnings of a pool worker in this category.

* Means modification in the existing Schedule or classification of workers.

** Means a new Schedule or new category of workers.

- (e) The average monthly wages as in (d) divided by the daily wage of a worker in this category will give the average number of days in a month worked by a pool worker in this category on the register.

The number arrived at in (e) above may be fixed as the minimum number of days for which wages may be guaranteed for the next 12 months ending 30th September, 1956. For clarification, an example is given below:—

At Madras a stevedore worker or mazdoor is the lowest category of worker.

The daily wage of a Stevedore worker or mazdoor = Rs. 3—6—0 = Rs. $\frac{27}{8}$

Suppose

The average total number of Stevedore workers or Mazdoors between 1st October, 1954 to 30th September, 1955. = 1,000.

The total wages earned including leave allowances but excluding minimum guarantee, attendance wage, incentive bonus, overtime or any other allowance during the 12 months ending 30th September, 1955 = 7,29,000

Total average wages earned by each Stevedore worker or Mazdoor during 12 months ending 30th September 1955 = $\frac{7,29,000}{1,000}$

Average wages per Stevedore worker or Mazdoor per month = Rs. $\frac{7,29,000}{1,000 \times 12}$

The daily wage of a Stevedore worker or Mazdoor as shown above = Rs. $\frac{27}{8}$

The number of shifts worked per Stevedore worker or Mazdoor in a month during this period = $\frac{7,29,000}{1,000 \times 12} \times \frac{8}{27} = 18$

The minimum number of days in a month for the next twelve months for which wages will be guaranteed will then be 18.

Although this average has been calculated for the lowest category of workers only, it will apply to all the categories of stevedore labour, namely, Tindal, Winchman etc. If a new category is registered, the minimum guarantee for this category, to start with, will be determined as has been provided in the principles relating to the registration of new categories mentioned in clause 13(3) of the Scheme.

Similar calculation should be made in October, 1956, and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

**SCHEDULE III

The formula and the method to determine the wages of a worker when his production is less than the standard output.

Suppose :

- (1) The number of workers in a gang including winchman, if any, entitled to wages under piece rate is $=n$
 - (2) The daily wages including dearness allowance of the lowest paid worker in the gang $=w$
 - (3) The difference in the daily inclusive wages of other workers in the gang and the lowest paid worker may be expressed as $=d_1, d_2, d_3$ etc.
 - (4) The Standard output per shift $=S$ Tons.
 - (5) Actual output in the particular shift $=P$ Tons.
 - (6) The basic piece rate per ton for the gang will be $=\frac{w \times n}{S}$
 - (7) The basic piece rate per worker per ton will be $=\frac{w \times n}{S \times n} = \frac{w^*}{S}$
 - (8) Daily wages payable to the lowest paid worker on the basis of actual production will be $=\frac{w}{S} \times P = \frac{WP^\dagger}{S}$
 $=\text{say } R$
- [* To be rounded off to the nearest pie.
† To be rounded off to the nearest anna.]
- (9) The wages payable to the lowest paid worker calculated as in (8) will be subject to a guaranteed minimum wage equal to 3/5th of the daily time rate wage.
 - (10) Wages payable to other workers in the gang will be $=R + d_1, R + d_2$ and so on.

To clarify the operation of this formula, two examples are given below:—

Example 1.

Suppose the standard output for a particular type of cargo is 45 tons and a gang consisting of 1 Tindal, 2 Winchmen and 9 Stevedore workers or Mazdoors handles 40 tons in a particular shift. The time rate wages inclusive of Dearness Allowance and their difference with the wages of the lowest paid worker are as given below.

Existing time-rate wages at Madras are:—

Category	Time rate daily wage	Difference with Mazdoor
1	2	3
	Rs. as. p.	Rs. as. p.
Tindal	3 10 0	+ 0 4 0
Stevedore worker or Mazdoor.	3 6 0	
Winchman	3 10 0	+ 4 0

** Means a new Schedule.

$$n = 12$$

$$w = \text{Rs. } 3/6/0.$$

d_1, d_2 etc. will be as shown in column 3 above.

$$S = 45 \text{ tons.}$$

$$P = 40 \text{ tons.}$$

$$\text{The basic piece rate per ton for the gang} = \frac{w \times n}{S}$$

$$= \text{Rs. } \frac{3/6/0 \times 12}{45} = \frac{648}{45} \text{ As.}$$

The basic piece rate per ton for a worker in the lowest category viz. Stevedore workers or Mazdoors

$$= \frac{w \times n}{S \times n} = \frac{w}{S}$$

$$= \frac{3/6/0}{45} = \frac{648}{45} \text{ pies}$$

$$= 14.4 \text{ pies}$$

$$\text{Rounded off to the nearest pie} = 14 \text{ pies}$$

$$\text{Daily wage payable to a Stevedore workers or Mazdoor will be} = \frac{w}{S} \times P = 14 \times 40 \text{ pies}$$

$$= 560 \text{ pies.}$$

$$= \text{Rs. } 2/14/8.$$

$$\text{Rounded off to the nearest anna.} = \text{Rs. } 2/15/0.$$

$$\text{Wage of a Tindal will be} = \text{Rs. } 2/15/0 + -/4/- \text{ annas.}$$

$$= \text{Rs. } 3/3/0.$$

$$\text{Wage of a Winchman will be} = \text{Rs. } 2/15/0 + -/4/- \text{ annas.}$$

$$= \text{Rs. } 3/3/0.$$

Example 2

Suppose the same gang handles only 25 tons of the same cargo during a particular shift. The basic rate per worker per ton will be the same as in previous Example viz. 14 pies per ton.

Wages payable to the lowest paid worker i.e.

Stevedore worker or Mazdoor, on the basis of actual production of 25 tons will be

$$= 25 \times 14 \text{ pies.}$$

$$= 350 \text{ pies} = \text{Rs. } 1/13/2.$$

$$\text{Rounded off to the nearest anna} = \text{Rs. } 1/13/0.$$

The guaranteed minimum wage i.e. 3/5th of the Stevedore worker or Mazdoor's daily wage

$$= 3/5 \text{th of Rs. } 3/6/0.$$

$$= \text{Rs. } 2/0/5.$$

$$\text{Rounded off to the nearest anna} = \text{Rs. } 2/0/0.$$

Since the wages actually earned are less than the guaranteed minimum wages, the wages payable to the Stevedore workers or Mazdoors will be the guaranteed minimum wage i.e., Rs. 2 and wages payable to others will be Rs. 2 plus the differentials.

A Tindal will get

$$= \text{Rs. } 2/- + -/4/- = \text{Rs. } 2/4/-$$

A Winchman will get

$$= \text{Rs. } 2/- + -/4/- = \text{Rs. } 2/4/-$$

It follows that for shifts when a gang does 3/5th or less than 3/5th of the standard output, different workers will be entitled to wages which will be equal to the guaranteed minimum wage for the stevedore worker or Mazdoor plus their respective differentials.

PROPOSED RULES FOR THE REGULATION OF EMPLOYMENT OF UNREGISTERED DOCK WORKERS

1. *Short Title.*—These rules may be called the Dock Workers (Regulation of Employment) Rules for Unregistered Workers, 1955. Part I of the Rules shall apply to all unregistered dock workers not covered by the Dock Workers (Regulation of Employment) Scheme for Bombay, Calcutta or Madras as amended upto 1955. Part II of the Rules shall apply to all employers of dock workers and dock workers who are 'Listed' under these rules.

2. *Objects and application.*—(a) The objects of the Rules are to initiate and progress regulation of employment of all dock workers other than those employed by the Port Authority or covered by the Dock Workers (Regulation of Employment) Schemes framed under the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948).

(b) The Rules shall apply to the ports of Calcutta, Bombay and Madras.

3. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context:—

- (a) "Act" means Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);
- (b) "Scheme" means the Bombay, Calcutta or Madras Dock Workers (Regulation of Employment) Scheme framed under the Act.
- (c) "Board" means Bombay, Calcutta or Madras Dock Labour Board constituted under the respective Scheme.
- (d) "Dock Worker" has the meaning assigned to it in the Act but for the purpose of these Rules excludes dock workers registered under any Scheme framed under the Act and those employed by Port Authorities.
- (e) "Dock Employer" means the person by whom a dock worker as defined in sub-clause (d) is employed or is to be employed.
- (f) "Licensed employer" means a dock employer licensed by the Port Authority.
- (g) "Listed employer" means a dock employer listed by the Dock Labour Board under the Rules included in Part II.
- (h) "Listed worker" means a dock worker listed under the Rules included in Part II.
- (i) "Chairman", "Deputy Chairman", "Executive Officer" and the "Personnel Officer" mean the officers appointed as such under Dock Workers (Regulation of Employment) Schemes.

4. *Functions of the Board.*—Without prejudice to the powers and functions of the Board, as laid down in the respective Scheme, the Board may take such measures as it may consider desirable for furthering the objectives of the Rules, set out in clause 2, including measures for—

- (a) maintaining a statement showing the names of licensed dock employers, the nature of their work, the date from which they are licensed and their addresses; and on receipt of an advice from the Port Authority, removing or re-entering these particulars in the statement in respect of any dock employer accordingly as his licence is cancelled or reissued by the Port Authority;
- (b) keeping, adjusting and maintaining a "List" of 'listed employers', entering or re-entering therein the name of any listed employer and, where circumstances so require, removing from the List, the name of any listed employer, either at his own request or in accordance with the provisions of the Rules;
- (c) keeping, adjusting and maintaining from time to time a "List" of 'listed dock workers' and removing from the List the name of a listed worker either at his own request or in accordance with the provisions of the Rules;
- (d) issuing photo identity cards for listed dock workers;
- (e) levying and recovering from licensed employers and listed employers contributions in respect of the Workers Welfare Fund.

5. *Functions of the Chairman.*—(1) Consistent with the extant decisions of the Board, the Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Rules with particular reference to the following matters namely:—

- (a) To ensure that the decisions of the Board in regard to the adjustment of the List of listed employers and the List of listed workers are carried out expeditiously.
- (b) To supervise and control the working of the Personnel and other Officers as prescribed in the Rules.
- (c) To take disciplinary action against licensed employers or listed employers as prescribed in the Rules.
- (d) To discharge all other duties and responsibilities specifically vested in the Chairman under the Rules.

(2) The Chairman may delegate in writing to the Deputy Chairman or the Executive Officer or the Personnel Officer any functions under sub-clause (1).

6. *Functions of the Deputy Chairman, Executive Officer and the Personnel Officer.*—Without prejudice to the powers and functions of the Board and the Chairman, the Deputy Chairman, the Executive Officer and the Personnel Officer shall carry out functions as may be assigned to them by the Chairman under rule 5 or as are provided under these Rules.

PART I

7. *Licensing of employers.*—All employers of dock workers shall be licensed by the Port Authorities and licensed employers only shall be allowed to work in the docks and employ dock workers.

8. *Obligation of licensed employers.*—(a) Every licensed employer shall accept the obligations of the Rules.

(b) A licensed employer shall maintain records in a form prescribed by the Board showing names of dock workers employed by him daily and payments made to them.

(c) A licensed employer shall prepare at the end of each month a statement showing the number of days for which employment was obtained with him by each dock worker employed by him and the payments received by each worker. The daily record of the employers and the monthly statement shall be made available for inspection by Officers of the Board whenever required.

(d) A licensed employer shall make direct payment of wages, allowances etc. to the dock workers employed by him.

(e) At the end of each quarter, a licensed employer shall make a summary of the monthly statements mentioned in sub-clause (c) and submit it to the Board within a fortnight of the commencement of the next quarter.

(f) A licensed employer shall submit to the Personnel Officer or other Officers of the Dock Labour Board whenever forms, registers, records, returns etc. mentioned in sub-clauses (b) and (c) are required by any of these officers.

(g) A licensed employer shall contribute to the Workers Welfare Fund maintained and administered by the Board in accordance with the rules of the Fund.

9. *Disciplinary Procedure.*—(1) *In respect of Licensed Employer.*—For any breach of rule 8, established after investigation by an officer of the Board, the following penalties may be imposed on the licensed employer, that is to say:—

(a) the Personnel Officer may give the licensed employer a warning in writing, or

(b) the Deputy Chairman or the Executive Officer may recommend to the Port Authority that the licence of the employer may be cancelled and he may be stopped from working in the docks for a specified period or permanently.

(2) *In respect of dock workers employed by Licensed Employers.*—The power to take disciplinary action against a dock worker for any act of indiscipline, misconduct or misdemeanour shall vest in the licensed employer by whom that dock worker is employed.

10. *Appeals by licensed employers.*—(a) Appeals from the orders of the Personnel Officer under rule 9(1)(a) shall lie to the Deputy Chairman or to the Executive Officer.

(b) Appeals from the orders of the Deputy Chairman or the Executive Officer under rule 9(1)(b) shall lie with the Chairman.

PART II

11. *Listing of employers of dock workers.*—(a) The names of all the employers of the categories of dock workers mentioned in the Schedule of the Rules shall be entered in a List of Employers to be maintained by the Dock Labour Board on payment of a fee by each Employer which shall be prescribed by the Board.

(b) Licensed employers only shall be eligible for listing under this part.

12. *Listing of dock workers.*—(a) All dock workers mentioned in the Schedule of the Rules and employed by listed employers shall be listed by the Dock Labour Board.

(b) Only the dock workers who have worked for at least three months in a category mentioned in the Schedule of the Rules shall be eligible for listing.

13. *Procedure of listing.*—(a) The Dock Labour Board shall prescribe printed forms for application to be submitted by workers applying for listing. The forms shall include, among other things, the following particulars:—

- (i) Category of employment.
- (ii) Full name of the employee and his father's name.
- (iii) Home address.
- (iv) Age.
- (v) Nationality.
- (vi) Name of the employer who is sponsoring his application.
- (vii) The earliest time since when the worker has been working in this category under the employer sponsoring his application and the total period for which he has been in the employ of the employer.
- (viii) The names of other employers with whom he has worked.
- (ix) A declaration from the employee that he has understood the conditions under which he is being listed and he undertakes to abide by these conditions.
- (x) Thumb impression or signature of the employee.
- (xi) A certificate from the employer that to the best of his knowledge, the particulars mentioned in items (i) to (viii) are correct and that he recommends the applicant being listed and that he would undertake to keep the applicant on his register subject to the conditions prescribed for listing.
- (xii) Thumb impression or signature of the employer.

(b) The application form shall be submitted in duplicate to the Dock Labour Board by the dock worker applying for listing with two copies of a passport sized photograph through a listed employer who will sponsor the application.

(c) A listed employer shall not refuse to forward the application from a worker who has worked with him in that category at least for three months prior to the date of the application, provided that if any question arises whether or not a worker has worked with his employer at least for three months, it shall be referred to the Personnel Officer whose decision in the matter shall be final.

(d) While forwarding an application from a dock worker, the employer shall state on the application reasons, if any, for which he does not recommend the listing of the worker.

(e) For filling up item (vii) of sub-clause (a), the length of service rendered by a listed worker under a particular listed employer shall as far as possible be recorded on the basis of payments of wages made to the worker previously either directly by the listed employer or through any of the listed employer's agents.

(f) A worker applying for listing shall pay to the Dock Labour Board a 'Listing fee' of rupee one and he shall also bear the cost of the two copies of photographs furnished by him along with the application.

(g) If the application is in order, the Dock Labour Board shall enter the name of the worker applying for listing in the List of workers and retain one form of the application with the photograph for record and return the other form of the application together with a photo-identity card to the listed employer through whom the application had been received. The employer shall hand over the photo-identity card to the worker concerned.

14. *Obligations of listed employers.*—(a) In addition to fulfilling the obligations under rule 8, a listed employer shall also accept the obligations under this rule.

(b) A listed employer shall maintain a list of the workers sponsored by him and listed by the Dock Labour Board and a listed worker shall not be transferred from the list of one listed employer to that of another without the prior sanction of the Personnel Officer of the Board.

(c) A listed employer shall not engage a worker who is not listed so long as a listed worker from his list or any other employer's list offers for employment.

(d) A listed employer shall make direct payment of wages, allowances, etc., to the dock workers employed by him.

(e) To the extent possible, listed employer will provide equal chances of work to workers in the same category and listed with him.

(f) A listed employer shall maintain forms, registers, records of payment, returns etc. as may be prescribed by the Board.

(g) A listed employer shall submit to the Personnel Officer or other Officers of the Dock Labour Board whenever forms, registers, records, returns, etc. mentioned in sub-clause (f) are required by any of these Officers.

(h) A listed employer shall contribute to the Workers Welfare Fund, maintained and administered by the Board, in accordance with the Rules framed by the Board.

15. *Obligations of listed workers.*—A listed worker shall not offer for employment with any other dock employer so long as he is offered employment by the employer who sponsored his application for listing and on whose list his name is borne.

16. *Disciplinary Procedure.*—(1) *In respect of "Listed Employers".*—For any breach of rule (14), established after investigation by an officer of the Board, the following penalties may be imposed on a listed employer, that is to say—

- (a) The Personnel Officer may give the listed employer a warning in writing, or
- (b) The Deputy Chairman or the Executive Officer may remove the name of the employer from the List of the listed employers and recommend to the Port Authority that the licence of the employer may be cancelled and he may be stopped from working in the docks for a specified period or permanently.

(2) *In respect of "Listed Workers".*—The power to take action against a listed worker for any act of indiscipline, misconduct or misdemeanour shall vest in the listed employer by whom that listed worker is employed.

17. *Appeals by listed employers.*—(a) Appeals from the orders of the Personnel Officer under rule 16(1) (a) shall lie with the Deputy Chairman or the Executive Officer.

(b) Appeals from the orders of the Deputy Chairman or the Executive Officer under rule 26(1) (b) shall lie with the Chairman.

THE SCHEDULE

Classes or descriptions of dock workers who should be listed under Part II of the Rules—

- (1) Chipping and painting workers.
- (2) Stitchers and Baggers.
- (3) Salt workers.
- (4) Coal workers.

PART III

APPENDICES

APPENDIX I

[Resolution of Government of India notifying the constitution of the Committee.]

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

New Delhi, the 14th January, 1955

RESOLUTION

No. Fac.80(6)/55.—With a view to reducing the hardships caused to dock workers on account of the casual nature of their employment, the Central Government got enacted the Dock Workers (Regulation of Employment) Act, 1948, and framed the following Schemes:—

- (1) The Bombay Dock Workers (Regulation of Employment) Scheme, 1951.
- (2) The Calcutta Dock Workers (Regulation of Employment) Scheme, 1951.
- (3) The Madras Dock Workers (Regulation of Employment) Scheme, 1952.

The object of these Schemes is to ensure greater regularity of employment for dock workers and to secure an adequate supply of dock workers for the efficient performance of dock work. At present the application of these schemes is confined to certain specified categories of stevedore workers in the ports of Bombay, Calcutta and Madras. The Schemes are administered by Dock Labour Boards, which are tripartite bodies set up by Government for each port. Representations have been received that the benefits of these or of similar schemes should be extended to other categories of workers also. The working of the schemes has also evoked a number of complaints. Government have, therefore, on the recommendation of the Dock Workers Advisory Committee, decided to appoint an Enquiry Committee to report on the working of these Schemes. The Committee will consist of:—

Chairman

1. Shri S. S. Vasist,
Lately Adviser, Railway Board,
New Delhi.

Members

2. Shri Vincent Vaz,
Docks Manager, Bombay Port Trust,
Bombay.

Members—contd.

3. Shri K. Mitter,
Traffic Manager,
Calcutta Port Commissioners,
Calcutta.
4. Shri V. A. Jaywant,
Traffic Manager,
Madras Port Trust,
Madras.
5. Shri S. C. Sheth,
Representative of the Bombay Stevedores'
Association, Ltd.,
Janmabhoomi Chambers, Fort Street,
Bombay.
6. Shri A. N. Chowdhury,
Representative of the
Master Stevedores Association,
Royal Exchange, P. Box No. 280,
Calcutta.
7. Shri A. Ramaswami Mudaliar,
Representative of Shipping Companies
C/o India Steamship Co.,
D-1, Clive Street,
Calcutta.
8. Shri G. S. Dhara Singh,
President,
Indian National Dock Workers Federation,
Manthara Road,
Cochin-2.
9. Shri Adhir Banerjee,
President,
Calcutta Port Mazdoor Panchayat,
Calcutta.
10. Shri Biswanath Dubey,
General Secretary,
Dock Mazdoor Union,
64, Chittaranjan Avenue.
Calcutta—12.

The Committee may co-opt at any port such persons to assist it as it considers necessary, but co-opted members shall not have the right to take part in the final deliberations of the Committee or in the writing of its report. A co-opted member will function only in respect of the port for which he has been co-opted.

2. The terms of reference of the Enquiry Committee will be as follows:—

- (i) to enquire into the working of the Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and Madras, to examine all difficulties encountered by the parties interested in the working of the Schemes, and to

recommend what modifications, if any, in the Scheme are necessary;

- (ii) to enquire into the necessity and feasibility of decasualising other categories of labour covered by the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948) at the three ports—whether by inclusion in the existing Schemes or by the framing of special schemes; and
- (iii) to prepare amendments to existing Schemes or to frame new Schemes for the further categories of labour, if any, recommended for decasualisation.

(Sd.) K. N. SUBRAMANIAN,
Joint Secretary.

APPENDIX II

QUESTIONNAIRE ISSUED BY DOCK WORKERS (REGULATION OF EMPLOYMENT) ENQUIRY COMMITTEE

[Note:

1. *The name of the Port or Ports to which the answers relate should please be indicated on the top of the reply.*
2. *The reply to the Questionnaire should reach the Secretary, Dock Workers (Regulation of Employment) Enquiry Committee, Ministry of Labour, Government of India, New Delhi, as soon as possible but not later than the 10th March, 1955.*
3. *It would be appreciated if 30 copies of reply to the Questionnaire are forwarded so that the work of the Committee may be expedited.*
4. *The Committee may decide to examine persons conversant with the working of the Dock Workers (Regulation of Employment) Schemes and take evidence of such persons at their meetings which are likely to be held later at Calcutta, Bombay, Madras and Delhi. Please give the names and addresses of persons who would like to give evidence on your behalf before the Committee. The place which will be suitable to the witnesses may also be indicated.]*

1. *Regulation of Employment.*—Have the Dock Labour Boards at the Ports of Calcutta, Bombay and Madras been able to ensure regularity of employment for the categories of dock workers mentioned in the Schedules attached to the respective Schemes? If not, in what way they have not been able to do so and what further steps should be taken to ensure regularity of employment of such dock workers?

2. *Functioning of Dock Labour Boards.*—Have the Dock Labour Boards been functioning effectively and discharging their responsibilities under the Scheme satisfactorily? If not, what steps should be taken whether by amending the Schemes or otherwise to enable them to do so?

3. *Recruitment and registration of Dock Workers.*—(a) Have the registrations of dock workers under Clause 13(1) of the Scheme been satisfactorily completed? If not, what are the difficulties experienced and how they can be remedied?

(b) Have there been any difficulties in the recruitment of new workers under Clause 13(2) and if so, what are they? How have these difficulties been tackled and if they still exist, how can they be removed?

4. *Registration of employers of Dock Workers.*—Is the present method of registration of employers by the Dock Labour Boards

satisfactory? If, not, what are the defects and how they can be remedied?

5. *Supply of Dock Workers.*—Have the Dock Labour Boards been able to ensure adequate supply of dock workers to employers for the efficient performance of dock work consistent with the principle that a worker is not ordinarily employed in two consecutive shifts in a day? If not, what are the difficulties and how best can they be removed?

6. *Size of the Reserve Pool and monthly Dock Workers.*—(a) What is the strength of dock workers under each category fixed under Clause 12 of the Scheme? (Figures in respect of Monthly and Pool workers may be given separately). Is the strength of different categories of dock workers so fixed adequate for the efficient working of the Port? If not, what should be the figures? Please give full reasons for your statement.

(b) What are your views in regard to the present practice of having separately a Monthly Register and a Reserve Pool Register in respect of dock workers with particular reference to the regularity of employment and efficient performance of work?

(c) Is the number of registered dock workers, in different categories, at present in the Pool adequate, deficient or excessive? If the number is deficient or excessive, what steps should be taken to make the necessary adjustment without causing undue hardship to workers found surplus?

(d) Are the numbers of dock workers on the Monthly Registers adequate, deficient or excessive? If the numbers are deficient or excessive, what steps should be taken to make the required adjustment?

7. *Promotion or Transfer of Dock Workers.*—Are the methods adopted at present for the promotion of a worker from the one category to another, or transfer from the Reserve Pool to the Monthly Register, or *vice versa*, satisfactory? If not, what modifications should be adopted?

8. *Administrative Body or Administrative Officer.*—Has the Administrative Body or the Administrative Officer of the Dock Labour Board been functioning and discharging efficiently/effectively its/his duties under the respective Schemes? If not, in what respect it/he has not done so, and what remedial measures should be adopted?

9. *Special Officers.*—Has the Special Officer of the Dock Labour Board been functioning and discharging efficiently and effectively his duties under the respective Schemes? If not, what remedial measures should be adopted?

10. *Inspectors.*—Have the Inspectors of the Dock Labour Board, wherever they have been appointed, been functioning and discharging their duties efficiently and effectively? If not, in what respect they have not done so, and what remedial measures should be adopted?

11. *Obligations of Registered Dock Workers.*—(a) Have the dock workers been fulfilling the obligations laid down in Clause 29 of the respective Schemes? If not, in what respect they have failed to do so? The statement may be substantiated with facts and figures. What action is suggested to remedy the present position?

(b) Are the obligations prescribed for workers in Clause 29 considered adequate? If not, what modifications therein are considered necessary?

12. *Obligations of Registered Employers.*—(a) Have the Registered Employers been fulfilling the obligations laid down in Clause 30 of the respective Schemes? If not, have any prosecutions been instituted with reference to Clause 42 of the Schemes? Facts and figures may be given.

(b) Are the obligations of the employers, prescribed in Clause 30 of the respective Schemes, considered adequate? If not, what modifications therein are considered necessary?

13. *Labour Relations.*—What have been the effects in general of the Scheme on the employer-labour relations? The statement should be substantiated with facts and suggestions for improving the relations.

14. *Disciplinary Procedure.*—(a) Has the disciplinary procedure prescribed in Clause 36 of the respective Schemes been strictly followed both in respect of the workers as well as the employers? Is the procedure considered adequate and suitable? If not, what modifications are suggested?

(b) Has the operation of the Scheme had any effect on the discipline of the dock workers? The statement may please be substantiated with facts and figures and, where necessary, with constructive suggestions.

15. *Turn-round of Ships.*—What has been the effect of the Scheme on the Turn-Round of Ships? Statement in this regard may please be substantiated with facts and any remedial steps may also be indicated.

16. *Cost of Handling.*—(a) Has the cost of handling a ton of cargo of different commodities been affected by the implementation of the Scheme? If so, how? Please substantiate your statement with figures.

(b) How do the normal rates charged for stevedoring work for different types of cargo before and after the introduction of the Scheme compare?

(c) Have the variations in the cost, referred to in (a) above, had any repercussions on the business of the Port? The statement should be substantiated with concrete illustrations.

(d) Is there any margin for an increase in the cost of handling in future without causing any adverse effect on business of the Port? If so, to what extent.

17. *Efficiency*.—What has been the effect of the Scheme on the efficiency of the dock workers as well as their employers? Statement in this regard may please be substantiated with facts and any remedial steps may also be indicated.

18. *Productivity*.—(a) What has been the effect of the Scheme on the actual output of labour in respect of handling different kinds of cargo? The statement should be substantiated with detailed figures of average number of stevedoring tons per gang per shift (mentioning the number of men per gang as well as the number of hours per shift) in respect of the following cargo for periods going as far back as possible before the implementation of the Scheme and after:

Imports—

- (i) General cargo
- (ii) Bag cargo (i.e. cargo other than food loaded in bags)
- (iii) Iron consignments like plates, rails etc
- (iv) Food—in bulk and in bags separately.

Exports—

- (i) General cargo.
- (ii) Tea chests.
- (iii) Ore
- (iv) Scrap.

(b) If the figures indicate decrease in output:

- (i) how much of the decrease can be attributed directly to the diminished output of Stevedore workers and how much to other factors which should be specified;
- (ii) the reasons for the diminished output of Stevedore workers and steps considered necessary to improve their output may be given; and
- (iii) has any decrease in the output been due to inadequate supervision by the registered employers; if so, have you any suggestion to make?

19. *Cost of operation of the Scheme*.—Is the cost of operation of the Scheme reasonable or heavy? If the cost is considered heavy what steps can be taken to reduce the cost?

20. *Levy*.—(i) Is the present rate of levy imposed by the Dock Labour Board on the employers reasonable? If not, what maximum percentage is considered reasonable? The considerations on which this assessment is based should be explained.

(ii) What are the benefits provided by the Board in addition to those prescribed in the Scheme? If the rate of levy is high can it not be reduced without suspension or curtailment of any of the existing benefits? Can any additional benefit be provided without increasing the rate of levy? If so, full facts and figures may please be given in support of either or both the alternatives.

21. *Wages*.—Is any revision of the present 'Basic wages', 'Guaranteed minimum wages', 'Attendance wages', 'Disappointment money' and other payments due to workers under the Scheme called

for with a view to ensuring fair wages to workers and fair outturn of work? If so, what are your recommendations?

22. *Piece-rate wages.*—What are your views in regard to 'piece-rates' vis-a-vis 'time-rates' of payment to workers? If your preference is for piece-rates, please furnish an outline of a piece-rate scheme indicating, *inter alia*, the basis of calculation for unit work and the basis of payment for the same in respect of different commodities. Any special safeguards considered necessary should also be indicated.

23. *Any other incentive method.*—Apart from or as an alternative to the piece-rate system of payment to workers, have you any suggestions regarding other methods which could be adopted as incentives to increase the output of dock workers?

24. *Shifts.*—(a) Are the present timings of various shifts and the arrangement for manning them satisfactory? Any modifications considered more suitable may please be indicated.

(b) Is any amendment of any clause of the Scheme regarding employment of workers in shifts considered necessary? If so, why and in what manner?

(c) Is it necessary to make a specific provision in the Scheme for a weekly 'off' for registered workers? If so, how should the weekly 'off' be fitted in—

(i) the working of different shifts so that adequate number of registered workers are always available for each shift:

(ii) the scheme of wages whether on time-rate or piece-rate basis.

25. *Number of shifts per day, per week, per month.*—Is it considered desirable to prescribe in the Scheme maximum number of shifts per day, per week or per month that a worker can be expected to work? If so, what should be such limits?

26. *Overtime work.*—Has overtime work been satisfactorily regulated? Is it considered necessary to make a particular provision in the Scheme for regulating this work? If so, on what lines?

27. *Holiday work.*—Has work on holiday been satisfactorily regulated? Is it considered necessary to make a specific provision in the Scheme for regulating this work? If so, on what lines?

28. *Training, welfare, health and safety measures.*—Has the progress of the provision of the facilities mentioned in items (g) and (i) of Clause 7 of the Scheme been satisfactory? Have you any suggestions to make in this regard?

29. *Decasualisation of other categories of labour.*—Is it necessary to decasualise other categories of dock workers covered by the Dock Workers (Regulation of Employment) Act, 1948, but not included in the Schedule attached to the Scheme for the Port concerned? If so, please mention those categories in the order of precedence and indicate the considerations for which it is considered necessary to decasualise them.

30. The following details in respect of each category recommended to be decasualised in Question 29 above, may please be supplied:—

- (i) Name of the category of the workers.
- (ii) The nature of the work they have to perform.
- (iii) Is the work regular or fluctuating? If latter, to what extent?
- (iv) Approximate number of such workers (The documents from which these figures can be verified and the names and addresses of the persons from whom such documents can be obtained may be stated).
- (v) The nature (*i.e.* whether Shipping Companies, Port Authorities, Stevedores, Contractors or otherwise) and names of the employers together with their addresses.
- (vi) The approximate number of bookings in a month for which an average worker gets employment at present.
- (vii) The number of shifts (together with hours), if any, that an average worker has to work during a day at present.
- (viii) The hours of overtime, if any, that an average worker has to work in addition to the regular shift in a day at present.
- (ix) The existing method of payment (*i.e.* whether daily, weekly or monthly).
- (x) Existing wage rates (Basic, Dearness Allowance, Overtime, Attendance money, etc. should be given separately).
- (xi) Guaranteed minimum wage, if any, at present.
- (xii) Existing leave or other benefits, if any.
- (xiii) Any other remarks.

31. Will it, in your opinion, be feasible to decasualise all the categories suggested in the answer to Question 29 above and, if so, whether the decasualisation should take place simultaneously or progressively?

32. What will, in your estimate, be the financial implications of the decasualisation of each category of workers, separately, recommended by you and what repercussions of further decasualisation as suggested by you, will there be on the economy and efficiency of the existing Dock Labour Boards, the general day-to-day working of the Port and the handling cost of cargo?

33. Are there any categories of workers which are at present included in the Schedule but not yet registered? What action should be taken in respect of these categories? Please state reasons.

34. Are there any particular categories of workers who are not at present included in the Schedule and should, in future, also be not brought under the purview of the Scheme? If so, for what reasons?

35. *Objects of the Scheme.*—Are the objects of the Scheme as set out in Clause 2 thereof clear and comprehensive enough, or is any clarification or expansion considered necessary?

36. *Any other comments and suggestions.*—In addition to the answers to the Questions 1 to 35, kindly give comments on any other aspect of the Scheme, which you may consider necessary. Suggestions for amendments, if any, may be incorporated in your statement.

APPENDIX III

LIST OF PERSONS AND ORGANISATIONS TO WHOM THE QUESTIONNAIRE ISSUED BY THE COMMITTEE WAS SENT.

1. Chairman, The Commissioners for the Port of Calcutta.
2. Chairman, Bombay Port Trust.
3. Chairman, Madras Port Trust.
4. Deputy Commissioner, Port Police, Calcutta.
5. Deputy Commissioner, Port Police, Bombay.
6. Deputy Commissioner, Port Police, Madras.
7. Chairman, Calcutta Dock Labour Board.
8. Chairman, Bombay Dock Labour Board.
9. Chairman, Madras Dock Labour Board.
10. Secretary, Master Stevedores Association, Calcutta.
11. Secretary, Calcutta Stevedores Association.
12. Secretary, Bombay Stevedores Association.
13. Secretary, Madras Stevedores Association.
14. Secretary, The All India Organisation of Industrial Employers, New Delhi.
15. Secretary, The Employers' Federation of India, Bombay.
16. Secretary, The Indian National Trade Union Congress, New Delhi.
17. Secretary, The Hind Mazdoor Sabha, Servants of Society's Home, Bombay.
18. Secretary, All India Trade Union Congress, New Delhi.
19. Secretary, The United Trades Union Congress, Calcutta.
20. Secretary, Dock Mazdoor Union, Calcutta.
21. General Secretary, National Union of Dock Labour, Calcutta.
22. Secretary, Calcutta Dockers Union.
23. Secretary, Calcutta Port Mazdoor Panchayat, Calcutta.
24. Secretary, Transport & Dock Workers Union, Bombay.
25. Secretary, Bombay Stevedores & Dock Labourers Union.
26. Secretary, New National Dock Workers Union, Bombay.
27. Secretary, Binny Employees Union, Madras.
28. Secretary, Madras Harbour Dock Workers Union.
29. Secretary, All India Port and Dock Workers' Federation, Madras.
30. Secretary, The Indian National Dock Workers' Federation, Bombay.
31. Secretary, Calcutta Port Trust Employees Association.
32. Secretary, Madras Port Trust Employees Union.

33. Secretary, Bombay Dock Mazdoor Union.
34. Secretary, B.P.T. General Workers Union, Bombay.
35. Secretary, Bombay Port Trust Employees Union
36. Secretary, Bengal Chamber of Commerce.
37. Secretary, Bengal National Chamber of Commerce.
38. Secretary, Indian Chamber of Commerce, Calcutta.
39. Secretary, Bharat Chamber of Commerce, Calcutta.
40. Secretary, The Associated Chamber of Commerce of India, Calcutta.
41. Secretary, Southern India Chamber of Commerce, Madras.
42. Secretary, Andhra Chamber of Commerce, Y.M.C.A., Madras.
43. Secretary, Madras Chamber of Commerce.
44. Secretary, Indian Merchants Chamber, Bombay.
45. Secretary, Bombay Chamber of Commerce.
46. Secretary, Maharashtra Chamber of Commerce, Bombay.
47. Secretary, All India Manufacturers' Organisation, Bombay.
48. Secretary, Bombay Agents Association.
49. Secretary, Federation of Indian Chambers, New Delhi.
50. Secretary, Licensed Measurers Department, Bengal Chamber of Commerce, Calcutta.
51. Secretary, Bombay Mill Owners Association, Bombay.
52. Messrs. Macneil & Barry Ltd., Calcutta.
53. Messrs. Mackinnon Mackenzie & Co. Ltd., Calcutta.
54. Secretary, Calcutta River Transport Association, Calcutta.
55. Messrs. Balmer Lawrie & Co. Ltd., Calcutta.
56. Messrs. Bird & Co. Ltd., Calcutta.
57. Secretary to the Government of India, Ministry of Labour.
58. Secretary to the Government of India, Ministry of Transport.
59. Secretary to the Government of West Bengal, Labour Department.
60. Secretary to the Government of Bombay, Development Department.
61. Secretary to the Government of Madras, Department of Industries, Labour & Co-operation.
62. Chief Labour Commissioner, New Delhi.
63. Regional Labour Commissioner (Central), Calcutta.
64. Regional Labour Commissioner (Central), Bombay.
65. Regional Labour Commissioner (Central), Madras.
66. Director General of Resettlement & Employment, New Delhi.
67. Regional Director of Employment, Calcutta.
68. Regional Director of Resettlement & Employment, Bombay.
69. Regional Director of Resettlement & Employment, Madras.
70. Director, Labour Bureau, Simla.

71. Director General of Shipping, Bombay.
72. Secretary to the Government of India, Ministry of Food.
73. Regional Director of Food, Calcutta.
74. Regional Director of Food, Bombay.
75. Regional Director of Food, Madras.
76. Secretary to the Government of India, Ministry of Works, Housing & Supply.
77. Chairman, Dock Workers Advisory Committee. C/o Chief Labour Commissioner, New Delhi.
78. Shri T. S. Parasuraman, Member, Dock Workers Advisory Committee and Deputy Secretary to the Government of India, Ministry of Transport.
79. Shri R. F. Boga, I.A.S., Member, Dock Workers Advisory Committee & Labour Commissioner, Government of Bombay.
80. Shri C. C. Reddi, I.A.S., Member, Dock Workers Advisory Committee & Labour Commissioner, Government of Madras.
81. Shri R. N. Basu, I.A.S., Member, Dock Workers Advisory Committee & Labour Commissioner, Government of West Bengal.
82. Docks Manager, Bombay Port Trust & Member, Dock Workers Advisory Committee.
83. Traffic Manager, Madras Port Trust & Member, Dock Workers Advisory Committee.
84. Deputy Docks Manager (Labour), Calcutta Port Commissioners and Member, Dock Workers Advisory Committee.
85. Shri K. A. Dubash, Member, Dock Workers Advisory Committee, Bombay.
86. Shri K. C. Mookerjee, Member, Dock Workers Advisory Committee, Calcutta.
87. Shri P. D'Mello, Member, Dock Workers Advisory Committee, Bombay.
88. Shri B. B. Panchotia, Member, Dock Workers Advisory Committee, Bombay.
89. Shri A. C. Bannerjee, Member, Dock Workers Advisory Committee, Calcutta.
90. Dr. (Mrs.) Maitreyee Bose, Member, Dock Workers Advisory Committee, Calcutta.
91. Shri B. N. Dubey, Member, Dock Workers Advisory Committee, Calcutta.
92. Shri N. N. Joshi, Servants of India Society, Bombay.
93. Shri S. C. Joshi, c/o Tata Iron & Steel Co. Ltd., Jamshedpur.
94. Shri Mrinal Kanti Bose, Calcutta.
95. Shri S. Guruswami, M.P., Madras.
96. Shri N. N. Mukerji, President, Calcutta Chipping and Painting Labour Contractors Association.
97. Messrs. Mackinnon Mackenzie & Co. Ltd., Secretaries of Karmahom Conference. India/U.K. Continent Trade, Bombay.

98. Messrs. B.I.S.N. Co. Ltd., Secretaries of West Coast/Australia Conference, Bombay.
99. Messrs. Scindia Steam Navigation Co. Ltd., Secretaries of Indian Coastal Conference, Bombay.
100. Messrs. Bharat Line Ltd., Members, Pakistan/India-Burma-Ceylon Conference and Burma/India Conference, Bombay.
101. Messrs. Scindia Steam Navigation Co. Ltd., Members, Pakistan/India-Burma-Ceylon Conference and Burma/India Conference, Bombay.
102. Messrs. British India Steam Navigation Co. Ltd., Members, Pakistan/India-Burma/Ceylon Conference and Burma/India Conference, Bombay.
103. Messrs. Asiatic Steam Navigation Co., Members, Pakistan/India-Burma-Ceylon Conference and Burma/India Conference, Bombay.
104. Messrs. India Steamship Co., Ltd., Member, Pakistan/India-Burma-Ceylon Conference and Burma/India Conference, Calcutta.
105. D. C. Fairbairn, Esqr., Secretary, Calcutta Continental Conference, Calcutta.
106. D. C. Fairbairn, Esqr., Secretary, Calcutta Liners Conference, Calcutta.
107. Messrs. Gladstone Lyall & Co. Ltd., Agents of Members Lines of Calcutta/U.S.A. Conference, Calcutta.
108. Messrs. Grahams Trading Co. (India), Ltd., Agents of Members Lines of Calcutta/U.S.A. Conference, Calcutta.
109. Messrs. Lionel Edwards Ltd., Agents of Members Lines of Calcutta/U.S.A. Conference, Calcutta.
110. Messrs Argus Co. Ltd., Agents of Members Lines of Calcutta/U.S.A. Conference, Calcutta.
111. Messrs James Finlay & Co. Ltd., Agents of Members Lines of Calcutta/U.S.A. Conference, Calcutta.
112. Messrs Mackinnon Mackenzie & Co. Ltd., Secretaries, Calcutta/Japan Conference, Calcutta.
113. Messrs. Binny & Co. Ltd., Secretaries, Madras Homeward Freight Conference, Madras.
114. Messrs. Gordon Woodroffe & Co. (Madras) Ltd., Secretaries, Madras Continental Conference, Madras.
115. Messrs. British India Steam Navigation Co. Ltd., Secretaries, East Coast of India/Australia Conference, Calcutta.
116. Messrs. British India Steam Navigation Co. Ltd., Members, Madras Coast Ports to Straits Conference, Calcutta.
117. Messrs. Eastern Shipping Corporation Ltd., Members, Madras Coast Ports to Straits Conference, Bombay.
118. The Secretary, Indian Jute Mills Association, Royal Exchange, Calcutta.
119. Secretary, Calcutta Jute Fabrics Shippers' Association, Calcutta.
120. Secretary, Calcutta Import Trade Association, Calcutta.

121. Secretary, Indian Tea Association, Calcutta.
122. Secretary, Calcutta Tea Traders Association, Calcutta.
123. Secretary, Indian Union Mineral Association, Calcutta.
124. Secretary, Indian National Steamship Owners' Association, Bombay.
125. Shri M. A. Master, Bombay.
126. Secretary, Madras Stevedore Labour Union.
127. Secretary, Madras Stevedore Workers Union.
128. Shri J. N. Mitra, President, West Bengal Hind Mazdoor Sabha, Calcutta.
129. Shri J. C. Dhar, General Secretary, B.I.S. Navigation Employees' Union, Calcutta.
130. Shri Sachidanand Prasad, Bombay.
131. Shri O. J. Knight, Calcutta.
132. Messrs. B. M. Ghose & Co. Ltd., Steamship, Freight and Chartering Agents, Calcutta.
133. Shri Merveya O. Nathaniel, Calcutta.
134. General Secretary, Shipping Employees' Union, Calcutta.
135. Hon. Secretary, Bombay Coal Bunkering Labour Pool.
136. Regional Secretary, International Transport Workers' Federation, Bombay.
137. Shri A. K. Bose, C/o Welfare Department, I.C.I. (India) Ltd., Calcutta.
138. Secretary, The T.N.C.C. Labour Section, Madras.
139. Shri Sushil Kumar Das Gupta, Calcutta.
140. Secretary, The Cochin Chamber of Commerce.
141. Secretary, Chipping and Painting Employers' Association, Bombay.

APPENDIX IV

LIST OF PERSONS AND ORGANISATIONS WHO REPLIED TO THE QUESTIONNAIRE ISSUED BY THE COMMITTEE.

CALCUTTA

1. Dock Mazdoor Union.
2. Calcutta Port Trust Employees Union.
3. National Union of Dock Labour.
4. Shipping Employees Union.
5. Calcutta Port Mazdoor Panchayat.
6. Calcutta Dockers' Union.
7. Master Stevedores Association.
8. Calcutta Liners Conference.
9. Calcutta Continental Conference.
10. Calcutta/U.S.A. Conference.
11. Calcutta/Far-East Conference.
12. Calcutta/Japan Conference.
13. Calcutta Stevedores' Association.
14. Indian Tea Association.
15. Calcutta Tea Traders Association.
16. Calcutta Chipping and Painting Labour Contractor's Association.
17. Messrs. B. M. Ghosh and Company.
18. Labour Commissioner, West Bengal.
19. Regional Labour Commissioner (Central).
20. Regional Director of Employment.
21. Bengal National Chamber of Commerce.
22. Chairman, Calcutta Port Commissioners.
23. Indian Chamber of Commerce.
24. Deputy Docks Manager (Labour), Commissioners for the Port of Calcutta.
25. Chairman, Calcutta Dock Labour Board.
26. Bengal Chamber of Commerce and Industry.
27. Deputy Commissioner, Port Police.
28. Indian Union Minerals Association.
29. Messrs. M. Friedlander & Co.
30. Indian Jute Mills Association.
31. Messrs. M. L. Banerjee and Sons.
32. Messrs. Asiatic Shipping Co. Ltd.
33. Messrs. F. W. Heilgers & Co. Ltd., (M/s. Bird & Co. Ltd.).

MADRAS

34. Madras Harbour Dock Workers Union.
35. Binny Employees Union.
36. Madras Stevedore Labour Union.
37. Madras Stevedores Association.
38. Madras/Straits Conference.
39. Madras Chamber of Commerce.
40. Southern Indian Chamber of Commerce.
41. Commissioner of Labour, Madras State Government.
42. Chairman, Madras Port Trust.
43. Chairman, Madras Dock Labour Board.
44. Madras Homeward Freight Conference.
45. Regional Director of Employment, Madras.

BOMBAY

46. Transport and Dock Workers' Union.
47. Bombay Stevedores and Dock Labourers' Union.
48. Bombay Port Trust General Workers Union.
49. Bombay Dock Mazdoor Union.
50. Bombay Chamber of Commerce.
51. Chipping and Painting Employers' Association.
52. Karmahom Conference.
53. Indian Coastal Conference.
54. Indian National Steamship Owners' Association.
55. The Eastern Shipping Corporation Ltd.
56. Bombay Stevedores' Association.
57. All India Manufacturers' Organisation.
58. Bombay Coal Bunkering Labour Pool.
59. Regional Labour Commissioner, (Central).
60. Chairman, Bombay Port Trust.
61. Shri K. A. Dubash, Member, Dock Workers Advisory Committee, Bombay.
62. Regional Director of Resettlement and Employment.
63. Regional Director (Food), Ministry of Food & Agriculture.
64. The Indian Merchants Chambers.
65. The New National Dock Workers' Union.

OTHERS

66. Director, Labour Bureau, Simla.
67. Chief Adviser, Factories, New Delhi.
68. Chief Labour Commissioner, New Delhi.
69. Director General of Resettlement and Employment, New Delhi.
70. International Labour Office (India Branch), New Delhi.

APPENDIX V.

GOVERNMENT OF INDIA'S ORDER SETTING UP AN INDUSTRIAL TRIBUNAL AT BOMBAY.

[Government of India, Ministry of Labour, Order No. LR.3 (44) 54, dated the 23rd July, 1954]

WHEREAS the Central Government is of opinion that an industrial dispute concerning a major port exists or is apprehended between the employers specified in Schedule I hereto annexed and their workmen in the Port of Bombay regarding the matters specified in Schedule II hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by section 7 and clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. R. Meher, I.C.S. (Retd.), President, Industrial Court, Bombay, shall be the sole member and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE I

1. The Bombay Port Trust, Bombay.
2. The Bombay Dock Labour Board, Bombay.
3. Messrs. Kanji Jadhavji & Co., Labour Contractors, Masjid Bridge, Bombay-9.
4. Messrs. Ardershir B. Cursetjee & Sons, Ltd., 6, Rampart Row, Fort, Bombay.
5. Messrs. Darabshaw B. Cursetjee's Sons, Darabshaw House, Ballard Road, Fort, Bombay.
6. Messrs. R. Sharp & Son Ltd., Kaiser-I-Hind Building, Currimbhoy Road, Ballard Estate, Bombay.
7. Messrs. Dinshaw & Company, Marshall's Building, Ballard Road, Fort, Bombay.
8. Messrs. Hill Son & Dinshaw Ltd., Marshall's Building, Ballard Road, Fort, Bombay.
9. Messrs. M. B. Eduljee Cassinath Sons, 17—19, Bastion Road, Fort, Bombay.
10. Messrs. Vinsons, Imperial Chambers, Wilson Road, Ballard Estate, Bombay.
11. Messrs. New Dholera Shipping & Trading Co. Ltd., The Bombay Mutual Building, 293, Hornby Road, Bombay.
12. Messrs. A. R. Naim & Sons, Gaumukh Bhuvan, Masjid Bridge, Bombay 9.

13. Messrs. H. K. Joshi & Company, 46, Hari Bhuvan, Popatwadi, Kalbadevi Road, Bombay.
14. Messrs. Dinshaw C. Cooper & Sons, 11, Bank Street, Fort, Bombay.
15. Messrs. Purshotamdas Madhavani & Co. Ltd., Botawalla Building, Elphinstone Circle, Fort, Bombay.
16. Messrs. R. H. Tookaram Hariba & Sons, 15, Babulnatu, Sadguru Sadan, Bombay.
17. Messrs. Eastern Bunkerers Limited, Scindia House, Ballard Estate, Fort, Bombay.
18. United India Marine & Trading Co., Noor-El-Bahar, Near Fire Brigade, Carnac Bunder, Frere Road, Fort, Bombay.
19. Messrs. S. C. Cambata & Co. Ltd., Cambata Building, Opposite Churchgate Station, Bombay.
- *20. Messrs. Bharsey Mulji, House No. 28/30, Jivanji Maharaj Lane, Buleshwar, 3rd Bhoiwada, Bombay-2.
- *21. Messrs. Ebrahim Moosa Tadpatriwala, C/o Union Lighterage, Opposite Princess Docks, Main Gate, Frere Road, Bombay-9.

SCHEDULE II

I. *Shore workers, stevedore workers, cranemen and daily clerks.*

1. Is the present wage system satisfactory from the point of view of
 - (a) ensuring a fair outturn of work, and
 - (b) a fair wage to the workers?

If not, what changes are necessary? In particular, should the present system be replaced by a piece-rate system? What safeguards should there be to ensure:—

 - (a) a minimum wage to workers, and
 - (b) a minimum outturn?

What provisions should there be for offering an incentive for increased production?
2. Are the present rates of wages adequate? If not, what would be the fair rates under the wage system recommended—whether time-rated or piece-rated?
3. What should be the working hours of the various shifts under the system recommended, regard being had to the necessity to ensure quick turn-round of ships?
4. Should Tally clerks employed by stevedores and the Port Trust be brought under the Scheme of wages recommended?
5. If a piece-rate system is recommended what should be the method of calculating the volume of work handled?

6. What should be the basis for calculating provident fund contributions, gratuity, leave salary, etc. under the new system of wage payment recommended?
7. For workers not covered by the Minimum Wages Act, in what circumstances and under what limitations should overtime be paid and at what rates?
8. What should be the rate of payment for work on weekly rest days and closed holidays?
9. What essential amenities are lacking at the workplaces and should be provided?

II. Stevedore workers.

10. Whether the present rates of payment of allowances (*Batta*) for stream work are adequate or should be revised?
11. Whether the present rate of dearness allowance for stevedore workers is adequate or should be revised?
12. Whether the present minimum guaranteed 12 days' wages per month for stevedore workers are reasonable or should be changed?
13. Whether the rate of attendance allowance for stevedore workers is reasonable or should be revised?
14. What bonus, if any, should be paid to stevedore workers for 1953-54?

III. Shore workers.

15. Have proper steps been taken for the decasualisation of shore workers employed
 - (a) by the Port Trust, and
 - (b) by contractors,
 and if not, what further steps are necessary and possible?
 16. What attendance allowance and guaranteed wage should be paid to decasualised shore workers?
-

APPENDIX VI

LIST OF WITNESSES TOGETHER WITH THE NAMES OF ORGANISATIONS THEY REPRESENTED AND DATES AND PLACES WHERE THEY GAVE EVIDENCE BEFORE THE COMMITTEE.

Serial No.	Name of Organisation	Date	Place at which evidence was given	Names of the representatives
1	2	3	4	5
1.	Dock Mazdoor Union	25-3-55 } 26-3-55 }	Calcutta	1. Shri Sisir Roy. 2. Shri Bhut Nath Dey. 3. Shri Brindaban Nayak. 4. Shri Zafar Imam. 5. Shri S. R. Bhardwaj. 6. Miss Sudha Roy. 7. Shri Sib Sankar Ghosal.
2.	Calcutta Port Trust Employees Union.	27-3-55	"	1. Shri Nepal Bhattacharya. 2. Shri Shanti Bhattacharya.
3.	National Union of Dock Labour.	26-3-55 } 31-3-55 }	"	1. Shri Kali Mukherjee. 2. Shri Janaki Mukherjee. 3. Shri Haroon (Sardar). 4. Shri Chand Mohammad (Sardar). 5. Shri Abdul Hafiz (Sardar). 6. Shri Azizon Rehman.
4.	Shipping Employees Union.	28-3-55	"	1. Shri Soumyendra Nath Tagore. 2. Shri Kshemes Ranjan Chatterjee. 3. Shri Ajit Chatterjee. 4. Shri Sudhir Das Sharma. 5. Shri Nripendra Kumar Dey. 6. Shri Bimal Sen.
5.	Calcutta Port Mazdoor Panchayat.	29-3-55	"	1. Shri B. C. Mazumder. 2. Shri N. R. Dutta. 3. Shri G. D. Baul. 4. Shri Sunil Das Gupta.
6.	Calcutta Dockers' Union.	28-3-55	"	1. Shri P. K. Ganguly. 2. Shri Nirmal Mukherjee. 3. Shri N. J. Burman. 4. Shri Yunus Sardar. 5. Shri Selim Sardar. 6. Shri Noor Mohammad. 7. Shri Mohammad Isak. 8. Shri Abdoor Rehman.
7.	Master Stevedores Association.	30-3-55 } 31-3-55 }	"	1. Shri J. P. Frearson. 2. Shri D. S. Bose. 3. Shri P. Davis. 4. Shri E. F. Brown.
8.	Calcutta Liners Conference.	1-4-55 } 2-4-55 }	"	1. Shri J. H. Rosa. 2. Shri L. W. Balcombe. 3. Shri I. N. Wankawala.

1	2	3	4	5
9.	Calcutta Far East Conference and Calcutta Continental Conference.	1-4-55 } 2-4-55 }	Calcutta .	1. Shri M. R. Das (also represented Calcutta Far East Conference). 2. Shri C. O. Shappel.
10.	Calcutta Japan Conference.	1-4-55 } 2-4-55 }	„ .	1. Shri G. J. P. Carey.
11.	Calcutta/U.S.A. Conference.	1-4-55 } 2-4-55 }	„ .	1. Shri M. A. Nicholson. 2. Shri D. P. Shouldham. 3. Shri A. W. C. Smart.
12.	Calcutta Stevedores Association.	31-3-55 } 3-4-55 }	„ .	1. Shri K. P. Mukherjee. 2. Shri P. C. Mukherjee. 3. Shri S. R. Biswas.
13.	Messrs F. W. Heilgers & Company Ltd.	1-4-55	„	1. Shri J. C. Napier.
14.	Indian Tea Association and Calcutta Tea Traders Association.	2-4-55	„ .	1. Sir Richard Duckworth. 2. Shri A. Moore.
15.	Calcutta Chipping and Painting Labour Contractors Association.	2-4-55	„	1. Shri K. Sen. 2. Shri S. Sen Gupta. 3. Shri N. Gupta. 4. Shri R. C. Mitra. 5. Shri T. R. Bhavnani.
16.	B. M. Ghosh & Co. .	2-4-55 } 5-4-55 }	„ .	1. Shri B. M. Ghosh. 2. Shri A. R. Majumdar.
17.	Labour Commissioner, West Bengal.	4-4-55	„ .	1. Shri Quader Nowaz, Asst. Labour Commissioner.
18.	Regional Labour Commissioner (Central).	4-4-55	„ .	1. Shri G. S. Ahluwalia, Regional Labour Commissioner.
19.	Regional Director of Employment.	4-4-55	„	1. Shri C. A. Ahuja, Regional Director.
20.	Bengal National Chamber of Commerce.	4-4-55	„	1. Shri P. Mukherjee. 2. Shri D. R. Roy Chowdhury. 3. Shri Mehboob Kasim. 4. Shri S. R. Biswas.
21.	Indian Chamber of Commerce.	5-4-55	„ .	1. Shri N. L. Kanoria. 2. Shri H. M. Jagtiani. 3. Shri L. S. Bisht.
22.	Calcutta Port Commissioners.	5-4-55 } 6-4-55 }	„ .	1. Shri L. M. Hogan, Docks Manager. 2. Shri A. K. Mukherjee, Deputy Docks Manager (Labour). 3. Shri J. F. C. McMahon, Superintendent (Labour).
23.	Calcutta Dock Labour Board.	6-4-55 } 7-4-55 }	„ .	1. Shri P. N. Natu, Administrative Officer. 2. Shri A. N. Roy, Special Officer.

1	2	3	4	5
24.	Madras Harbour Dock Workers Union.	20-4-55	Madras	. 1. Shri A. S. K. Iyenger. 2. Shri S. Natarajan. 3. Shri B. N. Sreeramulu. 4. Shri T. Elumalai. 5. Shri Thangaswami. 6. Shri Bapu.
25.	Binny Employees Union.	21-4-55	"	. 1. Shri C. Govindarajulu. 2. Shri K. T. Srinivasan. 3. Shri V. Pavadal Naicker. 4. Shri M. Angamuthu. 5. Shri K. Krishnan. 6. Shri K. Krishnamurthy.
26.	Madras Stevedores Labour Union.	21-4-55	"	. 1. Shri C. Govindarajulu. 2. Shri M. Arumugam. 3. Shri A. Chetty. 4. Shri M. Visvanathan. 5. Shri K. Kannappan.
27.	Madras Stevedores Association.	21-4-55 } 22-4-55 }	"	. 1. Shri P. L. Naidu. 2. Shri A. T. Gainaford. 3. Shri Sam Joseph. 4. Shri C. E. Buckland. 5. Shri Nagratha Mudaliar.
28.	Madras/Straits Conference.	22-4-55	"	. 1. Shri A. T. Gainaford. 2. Shri K. S. J. Haja Shariff. 3. Shri Syed Yusuff.
29.	Madras Chamber of Commerce.	22-4-55	"	. 1. Shri J. R. Galloway. 2. Shri Hadfield.
30.	Southern India Chamber of Commerce.	22-4-55	"	. 1. Shri Janaki Ram.
31.	Commissioner of Labour, Government of Madras.	22-4-55	"	. 1. Shri V. Balasundaram, Commissioner for Labour.
32.	Madras Port Trust	23-4-55	"	. 1. Shri T. K. P. Nambiar, Secretary. 2. Shri U. S. A. Ghaffoor, Asst. Traffic Manager.
33.	Regional Labour Commissioner (Central).	23-4-55	"	. 1. Shri O. Venkatachalam, Regional Labour Commissioner.
34.	Madras Dock Labour Board.	23-4-55	"	1. Shri Jayarama Rao, Secretary and Special Officer. 2. Shri E. M. W. David, Administrative Officer.
35.	Transport and Dock Workers' Union.	29-4-55 } 30-4-55 }	Bombay	. 1. Shri P. W. Khandekar. 2. Shri M. G. Kotwal. 3. Shri K. A. Khan.
36.	Bombay Stevedore & Dock Labour Union.	2-5-55	"	. 1. Shri D. M. Tulpule.
37.	Bombay Port Trust General Workers' Union & Bombay Dock Mazdoor Union.	2-5-55	"	. 1. Shri S. Maitra. 2. Shri K. R. Manan.

1	2	3	4	5
38.	Bombay Chamber of Commerce.	2-5-55	Bombay	1. Shri G. D. Longhurst. 2. Shri E. A. Jenkins. 3. Shri A. Mueller. 4. Shri L. A. Boulton. 5. Shri G. Bamgarten.
39.	Chipping and Painting Employers' Association.	2-5-55	"	1. Capt. M. Martyn. 2. Shri H. E. Kumana. 3. Shri E. S. Ghoga. 4. Shri R. C. Thakore.
40.	Karmahom Conference.	3-5-55	"	1. Shri E. S. Jenkins. 2. Capt. T. Fetchet. 3. Shri M. J. Buch.
41.	Indian National Steamship Owners Association and Indian Coastal Conference.	3-5-55	"	1. Dr. Sudhir Sen. 2. Shri N. P. Mehta. 3. Shri A. R. Vasavada. 4. Shri R. C. Jalundhwala. 5. Shri S. K. Aiyer.
42.	The Eastern Shipping Corporation Ltd.	3-5-55	"	1. Shri J. P. Mehta.
43.	Bombay Stevedores Association.	4-5-55	"	1. Shri K. A. Dubash. 2. Shri Rasik Lal. 3. Shri D. A. Junjibhoy. 4. Shri B. L. Desai.
44.	All India Manufacturers' Association.	5-5-55	"	1. Shri Murarji J. Vaidya. 2. Shri Moor. 3. Shri P. L. Badami.
45.	Bombay Coal Bunkering Labour Pool.	5-5-55	"	1. Shri H. Shah. 2. Shri J. D. Surti.
46.	Labour Commissioner, Govt. of Bombay.	5-5-55	"	1. Shri R. F. Boga, Commissioner. 2. Shri D. G. Kale, Asstt. Commissioner.
47.	Regional Labour Commissioner (Central).	5-5-55	"	1. Shri M. T. Balani, Regional Labour Commissioner.
48.	Bombay Dock Labour Board.	6-5-55.	"	1. Shri K. K. Mehta, Secretary. 2. Shri S. N. Tavaria, Administrative Officer. 3. Shri N. R. Kshatriya, Acting Special Officer.
49.	Bombay Port Trust.	6-5-55	"	1. Shri A. M. Sheikh, Deputy Manager, Hamallage. 2. Shri B. Mehta, Chief Labour Officer.
50.	Ministry of Labour, Govt. of India.	1-7-55	New Delhi	1. Shri K. N. Subramanian, I.C.S., Joint Secretary to the Govt. of India, Ministry of Labour.
51.	Ministry of Transport, Govt. of India.	2-7-55	"	1. Shri N. M. Ayyar, I.C.S., Secretary to the Govt. of India, Ministry of Transport.

APPENDIX VII

DATUM LINES FIXED BY THE BOMBAY PORT TRUST

Lines	Datum Tonnage per hook per shift	
	Original Datum tonnage	Present Datum tonnage (reduced by 6½%)
1	2	3
<i>Imports</i>		
1. U.S.A. and Canada (General cargo)	48	45
2. U.S.A. and Canada (with more than 50% bag cargo, such as wheat etc.)	72	68
3. Dollar Line (Imports and Exports)	42	39
4. Coasting vessels other than small coasting	60	56
5. All vessels other than specifically enumerated except small ones.	48	45
6. Small Coasting vessels (Imports and Exports) .	75	70
7. U. K. (General Cargo)	43	40
8. U.K. (with more than 50% bag cargo such as Soda Ash, etc.)	60	56
9. Australia, Japan and China	60	56
10. American Cotton	83	78
11. Mogul Line	83	78
12. Bag Cargo	96	90
13. Bulk Grain	92	86
<i>Exports</i>		
14. U.S.A. and Canada (General Cargo)	55	52
15. Mogul Line	50	47
16. Coasting vessels except small ones	45	42
17. Others not specifically enumerated	47	44
18. U.K. Vessels	55	52
19. East and West Africa	36	34
20. Ores in bulk	80	75

APPENDIX VIII

DECISIONS OF THE EXPERT COMMITTEE AT CALCUTTA

(True copy of a letter issued from the Dock office of the Calcutta Port Commissioners)

Dock Office,

Dated, the 28th March, 1951.

The following are the unanimous decisions of the Expert Committee appointed under item 2(b) of the terms of Agreement, dated the 31st January, 1951, between the Master Stevedores Association and the Dock Mazdoor Union to determine the number of gangs to be employed per hook:

1. In all cases, the booking should be subject to a minimum of one gang per hook.
2. A minimum of 1 Gang per hook per single sling upto but not including one ton.
3. A minimum of $1\frac{1}{2}$ gangs per sling weighing 1 ton and upto but not including $1\frac{1}{2}$ tons.
4. A minimum of 2 gangs per sling weighing $1\frac{1}{2}$ tons and upto but not including 2 tons.
5. For 2 tons and over gangs to be increased in proportion to the weight on the above basis.
6. A minimum of 2 gangs for all double slings.
7. Heavy Lifts: Labour to be booked as required according to prevailing practice.
8. Single slings of bag cargo should consist of not less than 12 bags and booking of labour should be done on the weight basis, the minimum of 2 gangs being booked when double slings are worked.
9. When gangs are booked to handle cargoes which are likely to adversely affect the human system, it is recommended that relief gangs should be booked.
10. Stevedores will book more gangs per hook than the minimum quoted above where circumstances call for it, e.g., doubtful and/or difficult finishing ships, blocking up when the ship is in a hurry.
11. If any Stevedore has been more liberal in the booking of labour than the above schedule, under any conditions, it is recommended that he should continue the practice, but the Stevedore will be the sole arbitrator of such conditions.
12. In the event of labour being required to work in lighters, not less than units of $\frac{1}{2}$ gang (4 men) per hook will be put in each boat provided that there are 4 Manjhees to assist

them. In cases where there are less than 4 men supplied by the lighter company a full gang will be provided per hook.

Sd/—L.M. HOGAN, DOCKS MANAGER.	Sd/—P. DAVIS Representative, Master Stevedores' Association.	Sd/—Capt. MASKELL Representative, Master Stevedores' Association.
Sd/—A. TALIB, Regional Labour Commissioner, (Central) Calcutta,	Sd/—J. F. C. MCMAHON, Deputy Docks Manager. (Labour)	Sd/—S. ROY, Representative, Dock Mazdoor Union.

As Mr. Z. Ahmed, representative of Calcutta Dockers Union did not attend the last two meetings owing to illness, a copy has been sent to him for his observation.

APPENDIX IX

Memorandum of settlement under section 12 of the Industrial Disputes Act, 1947, reached between the representatives of the Master Stevedores Association, Calcutta Stevedores Association, the Dock Mazdoor Union, the Calcutta Dockers' Union, the National Union of Dock Labour and the Chairman of the Calcutta Dock Labour Board before the Regional Labour Commissioner (Central), Calcutta, at New Delhi on the 15th May, 1954.

Representatives—

- (1) Shri K. C. Mukherjee—Master Stevedores Association.
- (2) Shri K. P. Mukherjee—Calcutta Stevedores Association.
- (3) Shri B. N. Dubey—Dock Mazdoor Union.
- (4) Janab Jalil Khan—Calcutta Dockers' Union.
- (5) Dr. (Mrs.) Maitreyee Bose—National Union of Dock Labour.
- (6) Chairman, Calcutta Dock Labour Board.

With a view to the immediate termination of the alarming “go-slow” that is now practised by the stevedore labour in the Port of Calcutta, to the removal of any grievances which labour might be entertaining against the manner of implementation of the Scheme and to the permanent banning of “go-slow” as a weapon for the enforcement of demands by stevedore labour, the parties mentioned above hereby agree as in the terms of the settlement given below:

Terms of Settlement

1. The present policy of “go-slow” will be discontinued forthwith and normal working resumed in all departments of stevedoring work and by all categories of stevedore labour—whether monthly labour or pool labour—within a period of one week.
2. The steps contemplated in this agreement for the reallocation of monthly gangs to stevedores will be undertaken only if normal working has been maintained by stevedore labour for a period of one month from the date on which the “go-slow” policy is abandoned. The decisions of the Chairman of the Commissioners for the Port of Calcutta whether normal working has been maintained for one month or not shall be final and binding on all the parties.
3. It is agreed that stevedores shall be entitled to maintain monthly gangs up to the number that they are maintaining on the date of this agreement.
4. On the expiry of the period of one month mentioned in paragraph 2, steps shall be taken for the reallocation of monthly gangs to such stevedores as desire to maintain them, applying the principle of seniority in the manner herein indicated. A stevedore desiring to maintain monthly gangs shall be entitled to select them from among

gangs which were in his employ before the Decasualisation Scheme was implemented. He shall select them in order of seniority. Selection shall be made by complete gangs, the seniority of the gang being the seniority of its sirdar. A list shall be prepared, arranged in the order of seniority, of the sirdars who were previously in the employ of the stevedore and whose names appear in his registers, and whose gangs have been brought up to full strength. The seniority of sirdars shall be decided by the total length of service (as sirdar and as worker) as recorded in their application form for registration under the Board. If the seniority of a sirdar as revealed by the application is challenged, the Gangs Reorganisation Officer shall hold a summary enquiry and give his decision which shall be final. As many sirdars, in the order of seniority, as may be required for the number of monthly gangs indented for by the stevedore shall be selected and allotted to the stevedore. The gangs of those sirdars will accompany them and constitute the monthly gangs of the stevedore. The sirdars of the existing monthly gangs who are not so selected, together with their gangs, will be sent to the pool. The process of ascertainment of seniority of sirdars and of allocation of gangs to stevedores will be entrusted to a Gangs Reorganisation Officer appointed by the Central Government. The decisions of the Gangs Reorganisation Officer will be final and binding on all parties concerned. The G.R.O. will start the work immediately after the Chairman of the Port Commissioners has certified that normal work has been maintained for one month and complete it as expeditiously as possible.

4-A. Notwithstanding anything contained in paragraph 4, none of the existing monthly gangs will be returned to the pool unless and until it is found necessary to do so after the Gangs Reorganisation Officer has determined seniority according to the procedure laid down in paragraph 4.

5. The Chairman of the Commissioners for the Port of Calcutta will have the authority at all times to decide whether stevedore labour is working normally or has resorted to a policy of "go-slow". If he comes to the conclusion that workers have resorted to "go-slow" (which conclusion shall be final and binding on all parties) he shall be entitled to take the following action:—

- (a) in the case of monthly workers, without prejudice to the existing rights of stevedores, he shall be entitled to take suitable disciplinary action including dismissal;
- (b) in the case of pool labour he shall be entitled to take suitable disciplinary action including dismissal and shall also be entitled to order forfeiture of the minimum guaranteed wages and attendance wages for the wage period or periods in which the "go-slow" policy has been adopted. If the "go-slow" is by a gang, it shall be permissible for the Chairman to take such action against all the members of the gang. If the "go-slow" is by any worker not forming part of a gang, such action may be taken against the worker concerned.

6. The representatives of stevedore labour hereby declare that stevedore labour will not in future resort to "go-slow" as a weapon for enforcement of their demands.

7. The representatives of stevedores declare that they are firmly of the opinion that the Decasualisation Scheme is necessary in the interests of the Port and that they will do everything possible to further its smooth and efficient implementation.

8. It is agreed that the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, may be amended in such manner as may be deemed necessary for the purpose of giving effect to the terms of this Agreement.

9. Any disputes or differences over the interpretation of the terms of this Agreement shall be referred to the Chief Labour Commissioner whose decision shall be final.

Master 'Stevedores' Association. (Sd.) K. C. Mukherjee.

Calcutta Stevedores Association. (Sd.) K. P. Mukherjee.

Dock Mazdoor Union. (Sd.) B. N. Dubey.

Calcutta Dockers' Union. (Sd.) Jalil Khan.

National Union of Dock Labour. (Sd.) Maitreyee Bose.

Chairman of the Calcutta Dock Labour Board. (Sd.) R. Gupta.

Regional Labour Commissioner (Central). (Sd.)

New Delhi, the 15th May, 1954.

APPENDIX X

COMPOSITION OF THE DOCK WORKERS ADVISORY COMMITTEE

Members representing the Government

- (1) Chief Labour Commissioner (Central), Ministry of Labour, New Delhi.
- (2) A representative of the Ministry of Transport, New Delhi.
- (3) Labour Commissioner, Government of Bombay.
- (4) Labour Commissioner, Government of Madras.
- (5) Labour Commissioner, Government of West Bengal.

Members representing the employers of dock workers

- (1) Docks Manager, Bombay Port Trust.
- (2) Traffic Manager, Madras Port Trust.
- (3) Deputy Docks Manager (Labour), Calcutta Port Commissioners.
- (4) A representative of the Bombay Stevedores' Association, Bombay.
- (5) A representative of the Master Stevedores' Association, Calcutta.

Members representing the dock workers:

- (1) & (2) Two representatives of the Indian National Trade Union Congress.
- (3) & (4) Two representatives of the Hind Mazdoor Sabha.
- (5) One representative of the United Trade Union Congress.